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Sixty-seventh session
Third Committee
Agenda item 69 (b)
Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Afghanistan, Algeria, Antigua and Barbuda, Argentina, Bahrain, Bangladesh, Bolivia (Plurinational State of), Botswana, Burkina Faso, Central African Republic, China, Comoros, Côte d'Ivoire, Democratic People's Republic of Korea, Democratic Republic of the Congo, Egypt, El Salvador, Eritrea, Ethiopia, Gabon, Ghana, Guinea, Honduras, Indonesia, Iraq, Jordan, Kenya, Kuwait, Lesotho, Liberia, Libya, Madagascar, Malawi, Malaysia, Maldives, Morocco, Namibia, Niger, Oman, Pakistan, Qatar, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sri Lanka, Sudan, Swaziland, Syrian Arab Republic, Tajikistan, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen and Zimbabwe: draft resolution

Globalization and its impact on the full enjoyment of all human rights

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, and expressing, in particular, the need to achieve international cooperation in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction,

Recalling the Universal Declaration of Human Rights,[1] as well as the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[2] the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance on 8 September 2001,[3] the outcome document of the Durban Review Conference, adopted in 2009,[4] and the political declaration of the high-level

[1] Resolution 217 A (III).
[2] A/CONF.157/24 (Part I), chap. III.
[3] See A/CONF.189/12 and Corr.1, chap. I.
[4] See A/CONF.211/8, chap. I.

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meeting of the General Assembly to commemorate the tenth anniversary of the Durban Declaration and Programme of Action in 2011, entitled "United against racism, racial discrimination, xenophobia and related intolerance",[5]

Recalling also the International Covenant on Civil and Political Rights[6] and the International Covenant on Economic, Social and Cultural Rights,[6]

Recalling further the Declaration on the Right to Development adopted by the General Assembly in its resolution 41/128 of 4 December 1986,

Recalling the United Nations Millennium Declaration[7] and the outcome documents of the twenty-third[8] and twenty-fourth[9] special sessions of the General Assembly, held in New York from 5 to 10 June 2000 and in Geneva from 26 June to 1 July 2000, respectively,

Recalling also its resolutions 66/161 and 66/154 of 19 December 2011,

Recalling further Commission on Human Rights resolution 2005/17 of 14 April 2005 on globalization and its impact on the full enjoyment of all human rights,[10]

Recalling Human Rights Council resolutions 17/4 of 16 June 2011[10] on human rights and transnational corporations and other business enterprises, and 21/5 of 27 September 2012 on the contribution of the United Nations system as a whole to the advancement of the business and human rights agenda and the dissemination and implementation of the Guiding Principles on Business and Human Rights,

Recognizing that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis,

Realizing that globalization affects all countries differently and makes them more exposed to external developments, positive as well as negative, inter alia, in the field of human rights,

Realizing also that globalization is not merely an economic process, but that it also has social, political, environmental, cultural and legal dimensions, which have an impact on the full enjoyment of all human rights and fundamental freedoms,

Emphasizing the need to fully implement the global partnership for development and enhance the momentum generated by the 2005 World Summit in order to operationalize and implement the commitments made in the outcomes of the major United Nations conferences and summits, including the 2005 World Summit, in the economic, social and related fields, and reaffirming in particular the commitment contained in paragraphs 19 and 47 of the 2005 World Summit Outcome[11] to promote fair globalization and the development of the productive sectors in developing countries to enable them to participate more effectively in and benefit from the process of globalization,

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[5] Resolution 66/3.

[6] See resolution 2200 A (XXI), annex.

[7] See resolution 55/2.

[8] Resolution S-23/2, annex, and resolution S-23/3, annex.

[9] Resolution S-24/2, annex.

[10] See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* and corrigenda (E/2005/23 and Corr.1 and 2), chap. II, sect. A.

[11] See resolution 60/1.

Realizing the need to undertake a thorough, independent and comprehensive assessment of the social, environmental and cultural impact of globalization on societies,

Recognizing in each culture a dignity and value that deserve recognition, respect and preservation, convinced that, in their rich variety and diversity and in the reciprocal influences that they exert on one another, all cultures form part of the common heritage belonging to all humankind, and aware of the risk that globalization poses more of a threat to cultural diversity if the developing world remains poor and marginalized,

Recognizing also that multilateral mechanisms have a unique role to play in meeting the challenges and opportunities presented by globalization,

Realizing the need to consider the opportunities and challenges linked to globalization with a view to addressing such challenges and building on possible opportunities in order to achieve the full enjoyment of all human rights,

Emphasizing the global character of the migratory phenomenon, the importance of international, regional and bilateral cooperation and the need to protect the human rights of migrants, particularly at a time in which migration flows have increased in the globalized economy,

Expressing grave concern at the negative impact of international financial turmoil on social and economic development and on the full enjoyment of all human rights, particularly in the light of the continuing global financial and economic crisis, which has an adverse impact on the realization of the internationally agreed development goals, particularly the Millennium Development Goals, and recognizing that developing countries are in a more vulnerable situation when facing such impact and that regional economic cooperation and development strategies and programmes ca play a role in mitigating such impact,

Expressing deep concern at the negative impact of the continuing global food and energy crises and climate change challenges on social and economic development and on the full enjoyment of all human rights for all,

Recognizing that globalization should be guided by the fundamental principles that underpin the corpus of human rights, such as equity, participation, accountability, non-discrimination at both the national and the international levels, respect for diversity, tolerance and international cooperation and solidarity,

Emphasizing that the existence of widespread extreme poverty inhibits the full realization and effective enjoyment of human rights and that its immediate alleviation and eventual elimination must remain a high priority for the international community,

Acknowledging that there is greater acceptance that the increasing debt burden faced by the most indebted developing countries is unsustainable and constitutes one of the principal obstacles to achieving sustainable development and poverty eradication and that, for many developing countries, excessive debt servicing has severely constrained their capacity to promote social development and to provide basic services to realize economic, social and cultural rights,

Strongly reiterating the determination to ensure the timely and full realization of the development goals and objectives agreed at the major United Nations

conferences and summits, including those agreed at the Millennium Summit, described as the Millennium Development Goals, which have helped to galvanize efforts towards poverty eradication,

Gravely concerned at the inadequacy of measures to narrow the widening gap between the developed and the developing countries, and within countries, which has contributed to, inter alia, deepening poverty and has adversely affected the full enjoyment of all human rights, in particular in developing countries,

Emphasizing that transnational corporations and other business enterprises have a responsibility to respect all human rights,

Emphasizing also that human beings strive for a world that is respectful of human rights and cultural diversity and that, in this regard, they work to ensure that all activities, including those affected by globalization, are consistent with those aims,

1. *Recognizes* that, while globalization, by its impact on, inter alia, the role of the State, may affect human rights, the promotion and protection of all human rights is first and foremost the responsibility of the State;

2. *Emphasizes* that development should be at the centre of the international economic agenda and that coherence between national development strategies and international obligations and commitments is imperative for an enabling environment for development and an inclusive and equitable globalization;

3. *Reaffirms* that narrowing the gap between rich and poor, both within and between countries, is an explicit goal at the national and international levels, as part of the effort to create an enabling environment for the full enjoyment of all human rights;

4. *Also reaffirms* the commitment to create an environment at both the national and the global levels that is conducive to development and to the eradication of poverty by, inter alia, promoting good governance within each country and at the international level, eliminating protectionism, enhancing transparency in the financial, monetary and trading systems and committing to an open, equitable, rule-based, predictable and non-discriminatory multilateral trading and financial system;

5. *Recognizes* the impacts that the global financial and economic crisis is still having on the ability of countries, particularly developing countries, to mobilize resources for development and to address the impact of this crisis, and in this context calls upon all States and the international community to alleviate, in an inclusive and development-oriented manner, any negative impacts of this crisis on the realization and the effective enjoyment of all human rights;

6. *Also recognizes* that, while globalization offers great opportunities, the fact that its benefits are very unevenly shared and its costs unevenly distributed represents an aspect of the process that affects the full enjoyment of all human rights, in particular in developing countries;

7. *Welcomes* the report of the United Nations High Commissioner for Human Rights on globalization and its impact on the full enjoyment of human rights,[12] which focuses on the liberalization of agricultural trade and its impact on

[12] E/CN.4/2002/54.

the realization of the right to development, including the right to food, and takes note of the conclusions and recommendations contained therein;

8. *Reaffirms* the international commitment to eliminating hunger and to securing food for all, today and tomorrow, and reiterates that the relevant United Nations organizations should be assured the resources needed to expand and enhance their food assistance, and support social safety net programmes designed to address hunger and malnutrition, when appropriate, through the use of local or regional purchase;

9. *Calls upon* Member States, relevant agencies of the United Nations system, intergovernmental organizations and civil society to promote inclusive, equitable and environmentally sustainable economic growth for managing globalization so that poverty is systematically reduced and the international development targets are achieved;

10. *Recognizes* that the responsible operations of transnational corporations and other business enterprises can contribute to the promotion, protection and fulfilment of all human rights and fundamental freedoms, in particular economic, social and cultural rights;

11. *Also recognizes* that only through broad and sustained efforts, including policies and measures at the global level to create a shared future based upon our common humanity in all its diversity, can globalization be made fully inclusive and equitable and have a human face, thus contributing to the full enjoyment of all human rights;

12. *Underlines* the urgent need to establish an equitable, transparent and democratic international system to strengthen and broaden the participation of developing countries in international economic decision-making and norm-setting;

13. *Affirms* that globalization is a complex process of structural transformation, with numerous interdisciplinary aspects, which has an impact on the enjoyment of civil, political, economic, social and cultural rights, including the right to development;

14. *Also affirms* that the international community should strive to respond to the challenges and opportunities posed by globalization in a manner that promotes and protects human rights while ensuring respect for the cultural diversity of all;

15. *Underlines*, therefore, the need to continue to analyse the consequences of globalization for the full enjoyment of all human rights;

16. *Takes note* of the report of the Secretary-General,[13] and requests him to continue to seek further the views of Member States and relevant agencies of the United Nations system and to submit to the General Assembly at its sixty-eighth session a substantive report on the subject based on these views, including recommendations on ways to address the impact of globalization on the full enjoyment of all human rights.

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[13] A/67/163.

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Albania, Andorra, Argentina, Armenia, Austria, Belgium, Benin, Bosnia and Herzegovina, Bulgaria, Chile, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Monaco, Montenegro, Netherlands, Norway, Panama, Peru, Poland, Portugal, Republic of Moldova, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia and United Kingdom of Great Britain and Northern Ireland: draft resolution

Human rights in the administration of justice

The General Assembly,

Bearing in mind the principles embodied in articles 3, 5, 8, 9 and 10 of the Universal Declaration of Human Rights[1] and the relevant provisions of the International Covenant on Civil and Political Rights and the Optional Protocols thereto,[2] in particular articles 6, 7, 9 and 10 of the Covenant, the Convention on the Rights of the Child,[3] in particular articles 37, 39 and 40, and the International Covenant on Economic, Social and Cultural Rights,[4] as well as all other relevant international treaties,

Calling attention to the numerous international standards in the field of the administration of justice,

Recalling all the resolutions of the General Assembly, the Human Rights Council, the Commission on Human Rights and the Economic and Social Council that are relevant to the subject of human rights in the administration of justice, including General Assembly resolutions 62/158 of 18 December 2007 and 65/213 of

[1] Resolution 217 A (III).
[2] See resolution 2200 A (XXI), annex, and resolution 44/128, annex.
[3] United Nations, *Treaty Series*, vol. 1577, No. 27531.
[4] See resolution 2200 A (XXI), annex.

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21 December 2010, and Human Rights Council resolutions 10/2 of 25 March 2009[5] and 18/12 of 29 September 2011,[6]

Welcoming General Assembly resolution 67/1 of 24 September 2012 entitled "Declaration of the High-level Meeting of the General Assembly on the Rule of Law at the National and International Levels",

Welcoming also the entry into force of the International Convention for the Protection of All Persons from Enforced Disappearance,[7] and encouraging all States that have not done so to consider signing, ratifying or acceding to the Convention,

Welcoming further the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules),[8]

Welcoming the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems,[9]

Taking note of general comments No. 21, on the humane treatment of prisoners deprived of their liberty, and No. 32, on the right to equality before courts and tribunals and to a fair trial, and general comments No. 10, on children's rights in juvenile justice, and No. 13, on the rights of the child to freedom from all forms of violence, adopted by the Committee on the Rights of the Child,

Noting with appreciation the important work in the field of the administration of justice of the United Nations Office on Drugs and Crime, the Office of the United Nations High Commissioner for Human Rights, the United Nations Development Programme, the United Nations Children's Fund, the Department of Peacekeeping Operations of the Secretariat and the United Nations Entity for Gender Equality and the Empowerment of Women as well as the Special Representative of the Secretary-General on Violence against Children and the Special Representative of the Secretary-General on Children and Armed Conflict,

Noting with satisfaction the work of the Interagency Panel on Juvenile Justice and of its members, in particular their coordination in providing technical advice and assistance in juvenile justice, and the active participation of civil society in their respective work,

Convinced that the independence and impartiality of the judiciary and the integrity of the judicial system as well as an independent legal profession are essential prerequisites for the protection of human rights, the rule of law, good governance and democracy, as well as for ensuring that there is no discrimination in the administration of justice, and should therefore be respected in all circumstances,

Recalling that every State should provide an effective framework of remedies to redress human rights grievances or violations,

Emphasizing that the right to access to justice for all forms an important basis for strengthening the rule of law through the administration of justice,

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[5] See *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 53* (A/64/53), chap. II, sect. A.

[6] Ibid., *Sixty-sixth Session, Supplement No. 53A* (A/66/53/Add.1), chap. II.

[7] Resolution 61/177, annex.

[8] Resolution 65/229, annex.

[9] See *Official Records of the Economic and Social Council, 2012, Supplement No. 10* (E/2012/30), chap. I.A.

Mindful of the importance of ensuring respect for the rule of law and human rights in the administration of justice as a crucial contribution to building peace and justice and ending impunity,

Recognizing the importance of the principle that persons deprived of their liberty shall retain their non-derogable human rights and all other human rights and fundamental freedoms, except for those lawful limitations that are demonstrably necessitated by the fact of incarceration,

Recalling that the social rehabilitation of persons deprived of their liberty shall be among the essential aims of the criminal justice system, ensuring, as far as possible, that offenders are able to lead a law-abiding and self-supporting life upon their return to society,

Aware of the need for special vigilance with regard to the specific situation of children, juveniles and women in the administration of justice, in particular while they are deprived of their liberty, and their vulnerability to various forms of violence, abuse, injustice and humiliation,

Recognizing the specific needs of children formerly associated with armed forces or armed groups, and noting that these children, when accused of crimes under international law allegedly committed while associated with armed forces or armed groups, should be considered primarily as victims and not only as perpetrators,

Reaffirming that the best interests of the child shall be a primary consideration in all decisions concerning the child in the administration of justice, including in relation to pretrial measures, as well as being an important consideration in all matters concerning the child related to sentencing of his or her parents, or, where applicable, legal guardians or primary caregivers,

1. *Welcomes* the most recent report submitted by the Secretary-General to the General Assembly on human rights in the administration of justice;[10]

2. *Also welcomes* the most recent report of the United Nations High Commissioner for Human Rights on the protection of human rights of juveniles deprived of their liberty[11] as well as the joint report of the Office of the United Nations High Commissioner for Human Rights, the United Nations Office on Drugs and Crime and the Special Representative of the Secretary-General on Violence against Children on prevention of and responses to violence against children within the juvenile justice system,[12] both submitted to the Human Rights Council;

3. *Reaffirms* the importance of the full and effective implementation of all United Nations standards on human rights in the administration of justice;

4. *Reiterates its call* to all Member States to spare no effort in providing for effective legislative and other mechanisms and procedures, as well as adequate resources, to ensure the full implementation of those standards;

5. *Invites* States to make use of technical assistance offered by the relevant United Nations entities and programmes in order to strengthen national capacities and infrastructures in the field of the administration of justice;

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[10] A/67/260.

[11] A/HRC/21/26.

[12] A/HRC/21/25.

6. *Appeals* to Governments to include in their national development plans the administration of justice as an integral part of the development process and to allocate adequate resources for the provision of legal aid services with a view to promoting and protecting human rights, and invites the international community to respond favourably to requests for financial and technical assistance for the enhancement and strengthening of the administration of justice;

7. *Stresses* the special need for national capacity-building in the field of the administration of justice, in particular through reform of the judiciary, the police and the penal system, as well as juvenile justice reform, in order to establish and maintain stable societies and the rule of law in post-conflict situations, and in this context welcomes the role of the Office of the United Nations High Commissioner for Human Rights in supporting the establishment and functioning of transitional justice mechanisms in post-conflict situations;

8. *Affirms* that States must ensure that any measure taken to combat terrorism, including in the administration of justice, complies with their obligations under international law, in particular international human rights, refugee and humanitarian law;

9. *Notes* the work of the open-ended intergovernmental expert group to exchange information on best practices, as well as on national legislation and existing international law, and on the revision of existing United Nations standard minimum rules for the treatment of prisoners so that they reflect recent advances in correctional science and best practices, with a view to reporting on its progress to the Commission on Crime Prevention and Criminal Justice at its twenty-second session, and in this regard invites the expert group to benefit from the expertise of the United Nations Office on Drugs and Crime and of the Office of the United Nations High Commissioner for Human Rights and other relevant stakeholders;

10. *Recalls* the absolute prohibition of torture in international law, and calls upon States to address and prevent the detention conditions, treatment and punishment of persons deprived of their liberty that amount to cruel, inhuman or degrading treatment or punishment;

11. *Urges* States to endeavour to reduce, where appropriate, pretrial detention, inter alia, by adopting legislative and administrative measures and policies on its preconditions, limitations, duration and alternatives and by taking measures aimed at the implementation of existing legislation, as well as by ensuring access to justice and legal advice and assistance;

12. *Encourages* States to address overcrowding in detention facilities by taking effective measures, including through enhancing the use of alternatives to pretrial detention and custodial sentences where possible, access to legal aid and the efficiency as well as the capacity of the criminal justice system and its facilities;

13. *Continues to encourage* States to pay due attention to the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)[8] when developing and implementing relevant legislation, procedures, policies and action plans, and invites relevant special procedure mandate holders, the Office of the United Nations High Commissioner for Human Rights, the United Nations Office on Drugs and Crime and all other relevant organizations to take these rules into consideration in their activities;

14. *Recognizes* that every child and juvenile in conflict with the law must be treated in a manner consistent with his or her rights, dignity and needs, in accordance with international law, bearing in mind relevant international standards on human rights in the administration of justice, and calls upon States parties to the Convention on the Rights of the Child to abide strictly by its principles and provisions;

15. *Encourages* States that have not yet integrated children's issues into their overall rule of law efforts to do so, and to develop and implement a comprehensive juvenile justice policy to prevent and address juvenile delinquency, as well as with a view to promoting, inter alia, the use of alternative measures, such as diversion and restorative justice, and complying with the principle that deprivation of liberty of children should be used only as a measure of last resort and for the shortest appropriate period of time, as well as to avoid, wherever possible, the use of pretrial detention for children;

16. *Stresses* the importance of including reintegration strategies for former child offenders in juvenile justice policies, in particular through education programmes, with a view to their assuming a constructive role in society;

17. *Urges* States to take all necessary and effective measures, including legal reform where appropriate, to prevent and respond to all forms of violence against children within the justice system;

18. *Also urges* States to ensure that, under their legislation and practice, neither capital punishment nor life imprisonment without the possibility of release, nor corporal punishment as a sentence or as a disciplinary measure, is imposed for offences committed by persons under 18 years of age, and invites States to consider repealing life imprisonment with the possibility of release for offences committed by persons under 18 years of age;

19. *Encourages* States not to set the minimum age of criminal responsibility at too low an age level, bearing in mind the emotional, mental and intellectual maturity of the child, and, in this respect, refers to the recommendation of the Committee on the Rights of the Child to increase the lower minimum age of criminal responsibility without exception to the age of 12 years as the absolute minimum age, and to continue to increase it to a higher age level;

20. *Also encourages* States to collect relevant information concerning children within their criminal justice systems so as to improve their administration of justice, while being mindful of the children's right to privacy, with full respect for relevant international human rights instruments, and bearing in mind applicable international standards on human rights in the administration of justice;

21. *Stresses* the importance of paying greater attention to the impact of the imprisonment of parents on their children, while noting with interest the day of general discussion on the theme "The situation of children of prisoners", held by the Committee on the Rights of the Child on 30 September 2011, as well as the summary report on the full-day meeting of the Human Rights Council on the rights of the child;[13]

[13] A/HRC/21/31.

22. *Invites* Governments to provide for tailored and interdisciplinary human rights training, including anti-racist, multicultural, gender-sensitive and child rights training to all judges, lawyers, prosecutors, social workers, immigration and police officers and other professionals concerned, including personnel deployed in international field presences;

23. *Encourages* the regional commissions, the specialized agencies, United Nations institutes active in the areas of human rights and crime prevention and criminal justice, and other relevant parts of the United Nations system, as well as intergovernmental and non-governmental organizations, including national professional associations concerned with promoting United Nations standards in this field, and other segments of civil society, including the media, to continue to develop their activities in promoting human rights in the administration of justice;

24. *Invites* States, upon their request, to benefit from technical advice and assistance in juvenile justice provided by the relevant United Nations entities and programmes, in particular the Interagency Panel on Juvenile Justice, in order to strengthen national capacities and infrastructures in the field of the administration of justice, in particular juvenile justice;

25. *Invites* the Human Rights Council and the Commission on Crime Prevention and Criminal Justice, as well as the Office of the United Nations High Commissioner for Human Rights, the Special Representative of the Secretary-General on Violence against Children and the United Nations Office on Drugs and Crime, to continue to closely coordinate their activities relating to the administration of justice;

26. *Invites* the Office of the United Nations High Commissioner for Human Rights and the United Nations Office on Drugs and Crime to reinforce, within their respective mandates, their activities relating to national capacity-building in the field of the administration of justice, in particular in post-conflict situations, and in this context to cooperate with relevant departments of the Secretariat, including the Peacebuilding Support Office, the Department of Political Affairs and the Department of Peacekeeping Operations;

27. *Underlines* the importance of rebuilding and strengthening structures for the administration of justice and of respecting the rule of law and human rights, including in post-conflict situations, as a crucial contribution to building peace and justice and ending impunity, and in this respect requests the Secretary-General to ensure system-wide coordination and coherence of programmes and activities of the relevant parts of the United Nations system, including through the Rule of Law Coordination and Resource Group chaired by the Deputy Secretary-General and supported by the Rule of Law Unit of the Secretariat, and in cooperation with the Peacebuilding Commission, including assistance provided through United Nations field presences;

28. *Invites* States, in the context of the universal periodic review mechanism and in their reports under international human rights treaties, to consider addressing the promotion and protection of human rights in the administration of justice;

29. *Invites* relevant special procedure mandate holders of the Human Rights Council as well as relevant treaty bodies to give special attention to questions relating to the effective protection of human rights in the administration of justice, including juvenile justice, and to provide, wherever appropriate, specific

recommendations in this regard, including proposals for advisory services and technical assistance measures;

30. *Invites* the Commission on Crime Prevention and Criminal Justice to consider developing a set of model strategies and practical measures on the elimination of violence against children in the field of crime prevention and criminal justice in consultation with all Member States and in close collaboration with all relevant United Nations entities, in particular with the Special Representative of the Secretary-General on Violence against Children and the Office of the United Nations High Commissioner for Human Rights;

31. *Requests* the Secretary-General to submit to the General Assembly at its sixty-eighth session and to the Human Rights Council at its twenty-fourth session a report on the latest developments, challenges and good practices in human rights in the administration of justice, analysing the international legal and institutional framework for the protection of all persons deprived of their liberty, as well as the activities undertaken by the United Nations system as a whole;

32. *Decides* to continue its consideration of the question of human rights in the administration of justice at its sixty-ninth session under the item entitled "Promotion and protection of human rights".

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Albania, Andorra, Argentina, Armenia, Austria, Belgium, Benin, Bosnia and Herzegovina, Brazil, Bulgaria, Chile, China, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Israel, Italy, Japan, Jordan, Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Monaco, Montenegro, Netherlands, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Somalia, Spain, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland and Uruguay: revised draft resolution

Human rights in the administration of justice

The General Assembly,

Bearing in mind the principles embodied in articles 3, 5, 8, 9 and 10 of the Universal Declaration of Human Rights[1] and the relevant provisions of the International Covenant on Civil and Political Rights and the Optional Protocols thereto,[2] in particular articles 6, 7, 9 and 10 of the Covenant, the Convention on the Rights of the Child,[3] in particular articles 37, 39 and 40, and the International Covenant on Economic, Social and Cultural Rights,[4] as well as all other relevant international treaties,

Calling attention to the numerous international standards in the field of the administration of justice,

[1] Resolution 217 A (III).
[2] See resolution 2200 A (XXI), annex, and resolution 44/128, annex.
[3] United Nations, *Treaty Series*, vol. 1577, No. 27531.
[4] See resolution 2200 A (XXI), annex.

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Recalling all the resolutions of the General Assembly, the Human Rights Council, the Commission on Human Rights and the Economic and Social Council that are relevant to the subject of human rights in the administration of justice, including General Assembly resolutions 62/158 of 18 December 2007 and 65/213 of 21 December 2010, and Human Rights Council resolutions 10/2 of 25 March 2009[5] and 18/12 of 29 September 2011,[6]

Recalling also General Assembly resolution 67/1 of 24 September 2012 entitled "Declaration of the High-level Meeting of the General Assembly on the Rule of Law at the National and International Levels",

Welcoming the entry into force of the International Convention for the Protection of All Persons from Enforced Disappearance,[7] and encouraging all States that have not done so to consider signing, ratifying or acceding to the Convention,

Welcoming also the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules),[8]

Welcoming further the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems,[9]

Taking note of general comments No. 21, on the humane treatment of prisoners deprived of their liberty, and No. 32, on the right to equality before courts and tribunals and to a fair trial, adopted by the Human Rights Committee, and general comments No. 10, on children's rights in juvenile justice, and No. 13, on the rights of the child to freedom from all forms of violence, adopted by the Committee on the Rights of the Child,

Noting with appreciation the important work in the field of the administration of justice of the United Nations Office on Drugs and Crime, the Office of the United Nations High Commissioner for Human Rights, the United Nations Development Programme, the United Nations Children's Fund, the Department of Peacekeeping Operations of the Secretariat and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) as well as the work of the Special Representative of the Secretary-General on Violence against Children and the Special Representative of the Secretary-General on Children and Armed Conflict,

Noting with satisfaction the work of the Interagency Panel on Juvenile Justice and of its members, in particular their coordination in providing technical advice and assistance in juvenile justice, and the active participation of civil society in their respective work,

Convinced that the independence and impartiality of the judiciary and the integrity of the judicial system as well as an independent legal profession are essential prerequisites for the protection of human rights, the rule of law, good governance and democracy, as well as for ensuring that there is no discrimination in the administration of justice, and should therefore be respected in all circumstances,

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[5] See *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 53* (A/64/53), chap. II, sect. A.

[6] Ibid., *Sixty-sixth Session, Supplement No. 53A* (A/66/53/Add.1), chap. II.

[7] Resolution 61/177, annex.

[8] Resolution 65/229, annex.

[9] See *Official Records of the Economic and Social Council, 2012, Supplement No. 10* (E/2012/30), chap. I.A.

Recalling that every State should provide an effective framework of remedies to redress human rights grievances or violations,

Emphasizing that the right to access to justice for all forms an important basis for strengthening the rule of law through the administration of justice,

Mindful of the importance of ensuring respect for the rule of law and human rights in the administration of justice as a crucial contribution to building peace and justice and ending impunity,

Recognizing the importance of the principle that persons deprived of their liberty shall retain their non-derogable human rights and all other human rights and fundamental freedoms, except for those lawful limitations that are demonstrably necessitated by the fact of incarceration,

Recalling that the social rehabilitation of persons deprived of their liberty shall be among the essential aims of the criminal justice system, ensuring, as far as possible, that offenders are able to lead a law-abiding and self-supporting life upon their return to society,

Aware of the need for special vigilance with regard to the specific situation of children, juveniles and women in the administration of justice, in particular while they are deprived of their liberty, and their vulnerability to various forms of violence, abuse, injustice and humiliation,

Recognizing the specific situation and needs of children formerly associated with armed forces or armed groups when accused of crimes under international law allegedly committed while associated with armed forces or armed groups,

Reaffirming that the best interests of the child shall be a primary consideration in all decisions concerning the child in the administration of justice, including in relation to pretrial measures, as well as being an important consideration in all matters concerning the child related to sentencing of his or her parents, or, where applicable, legal guardians or primary caregivers,

1. *Takes note with appreciation* of the most recent report of the Secretary-General;[10]

2. *Also takes note with appreciation* of the most recent report of the United Nations High Commissioner for Human Rights on the protection of human rights of juveniles deprived of their liberty[11] and the joint report of the Office of the United Nations High Commissioner for Human Rights, the United Nations Office on Drugs and Crime and the Special Representative of the Secretary-General on Violence against Children, on prevention of and responses to violence against children within the juvenile justice system,[12] both submitted to the Human Rights Council;

3. *Reaffirms* the importance of the full and effective implementation of all United Nations standards on human rights in the administration of justice;

4. *Reiterates its call* to all Member States to spare no effort in providing for effective legislative and other mechanisms and procedures, as well as adequate resources, to ensure the full implementation of those standards;

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[10] A/67/260.

[11] A/HRC/21/26.

[12] A/HRC/21/25.

5. *Invites* States to make use of technical assistance offered by the relevant United Nations entities and programmes in order to strengthen national capacities and infrastructures in the field of the administration of justice;

6. *Appeals* to Governments to include in their national development plans the administration of justice as an integral part of the development process and to allocate adequate resources for the provision of legal aid services with a view to promoting and protecting human rights, and invites the international community to respond favourably to requests for financial and technical assistance for the enhancement and strengthening of the administration of justice;

7. *Stresses* the special need for national capacity-building in the field of the administration of justice, in particular through reform of the judiciary, the police and the penal system, as well as juvenile justice reform, in order to establish and maintain stable societies and the rule of law in post-conflict situations, and in this context welcomes the role of the Office of the United Nations High Commissioner for Human Rights in supporting the establishment and functioning of transitional justice mechanisms in post-conflict situations;

8. *Affirms* that States must ensure that any measure taken to combat terrorism, including in the administration of justice, complies with their obligations under international law, in particular international human rights, refugee and humanitarian law;

9. *Notes* the work of the open-ended intergovernmental expert group to exchange information on best practices, as well as on national legislation and existing international law, and on the revision of existing United Nations standard minimum rules for the treatment of prisoners so that they reflect recent advances in correctional science and best practices, with a view to reporting on its progress to the Commission on Crime Prevention and Criminal Justice at its twenty-second session, and in this regard invites the expert group to benefit from the expertise of the United Nations Office on Drugs and Crime and of the Office of the United Nations High Commissioner for Human Rights and other relevant stakeholders;

10. *Recalls* the absolute prohibition of torture in international law, and calls upon States to address and prevent the detention conditions, treatment and punishment of persons deprived of their liberty that amount to cruel, inhuman or degrading treatment or punishment;

11. *Urges* States to endeavour to reduce, where appropriate, pretrial detention, inter alia, by adopting legislative and administrative measures and policies on its preconditions, limitations, duration and alternatives and by taking measures aimed at the implementation of existing legislation, as well as by ensuring access to justice and legal advice and assistance;

12. *Encourages* States to address overcrowding in detention facilities by taking effective measures, including through enhancing the use of alternatives to pretrial detention and custodial sentences where possible, access to legal aid and the efficiency as well as the capacity of the criminal justice system and its facilities;

13. *Continues to encourage* States to pay due attention to the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)[8] when developing and implementing relevant legislation, procedures, policies and action plans, and invites relevant

special procedure mandate holders, the Office of the United Nations High Commissioner for Human Rights, the United Nations Office on Drugs and Crime and all other relevant organizations to take these rules into consideration in their activities;

14. *Recognizes* that every child and juvenile in conflict with the law must be treated in a manner consistent with his or her rights, dignity and needs, in accordance with international law, bearing in mind relevant international standards on human rights in the administration of justice, and calls upon States parties to the Convention on the Rights of the Child to abide strictly by its principles and provisions;

15. *Encourages* States that have not yet integrated children's issues into their overall rule of law efforts to do so, and to develop and implement a comprehensive juvenile justice policy to prevent and address juvenile delinquency, as well as with a view to promoting, inter alia, the use of alternative measures, such as diversion and restorative justice, and complying with the principle that deprivation of liberty of children should be used only as a measure of last resort and for the shortest appropriate period of time, as well as to avoid, wherever possible, the use of pretrial detention for children;

16. *Stresses* the importance of including reintegration strategies for former child offenders in juvenile justice policies, in particular through education programmes, with a view to their assuming a constructive role in society;

17. *Urges* States to take all necessary and effective measures, including legal reform where appropriate, to prevent and respond to all forms of violence against children within the justice system;

18. *Also urges* States to ensure that, under their legislation and practice, neither capital punishment nor life imprisonment without the possibility of release, nor corporal punishment is imposed for offences committed by persons under 18 years of age, and invites States to consider repealing all other forms of life imprisonment for offences committed by persons under 18 years of age;

19. *Encourages* States not to set the minimum age of criminal responsibility at too low an age level, bearing in mind the emotional, mental and intellectual maturity of the child, and in this respect refers to the recommendation of the Committee on the Rights of the Child to increase the lower minimum age of criminal responsibility without exception to the age of 12 years as the absolute minimum age, and to continue to increase it to a higher age level;

20. *Also encourages* States to collect relevant information concerning children within their criminal justice systems so as to improve their administration of justice, while being mindful of the children's right to privacy, with full respect for relevant international human rights instruments, and bearing in mind applicable international standards on human rights in the administration of justice;

21. *Stresses* the importance of paying greater attention to the impact of the imprisonment of parents on their children, while noting with interest the day of general discussion on the theme "The situation of children of prisoners", held by the Committee on the Rights of the Child on 30 September 2011, as well as the

summary report on the full-day meeting of the Human Rights Council on the rights of the child;[13]

22. *Invites* Governments to provide for tailored and interdisciplinary human rights training, including anti-racist, multicultural, gender-sensitive and child rights training to all judges, lawyers, prosecutors, social workers, immigration and police officers and other professionals concerned, including personnel deployed in international field presences;

23. *Encourages* the regional commissions, the specialized agencies, United Nations institutes active in the areas of human rights and crime prevention and criminal justice, and other relevant parts of the United Nations system, as well as intergovernmental and non-governmental organizations, including national professional associations concerned with promoting United Nations standards in this field, and other segments of civil society, including the media, to continue to develop their activities in promoting human rights in the administration of justice;

24. *Invites* States, upon their request, to benefit from technical advice and assistance in juvenile justice provided by the relevant United Nations entities and programmes, in particular the Interagency Panel on Juvenile Justice, in order to strengthen national capacities and infrastructures in the field of the administration of justice, in particular juvenile justice;

25. *Invites* the Human Rights Council and the Commission on Crime Prevention and Criminal Justice, as well as the Office of the United Nations High Commissioner for Human Rights, the Special Representative of the Secretary-General on Violence against Children and the United Nations Office on Drugs and Crime, to continue to closely coordinate their activities relating to the administration of justice;

26. *Invites* the Office of the United Nations High Commissioner for Human Rights and the United Nations Office on Drugs and Crime to reinforce, within their respective mandates, their activities relating to national capacity-building in the field of the administration of justice, in particular in post-conflict situations, and in this context to cooperate with relevant departments of the Secretariat, including the Peacebuilding Support Office, the Department of Political Affairs and the Department of Peacekeeping Operations;

27. *Underlines* the importance of rebuilding and strengthening structures for the administration of justice and of respecting the rule of law and human rights, including in post-conflict situations, as a crucial contribution to building peace and justice and ending impunity, and in this respect requests the Secretary-General to ensure system-wide coordination and coherence of programmes and activities of the relevant parts of the United Nations system, including through the Rule of Law Coordination and Resource Group chaired by the Deputy Secretary-General and supported by the Rule of Law Unit of the Secretariat, and in cooperation with the Peacebuilding Commission, including assistance provided through United Nations field presences;

28. *Invites* States, in the context of the universal periodic review mechanism and in their reports under international human rights treaties, to consider addressing the promotion and protection of human rights in the administration of justice;

[13] A/HRC/21/31.

29. *Invites* relevant special procedure mandate holders of the Human Rights Council as well as relevant treaty bodies to give special attention to questions relating to the effective protection of human rights in the administration of justice, including juvenile justice, and to provide, wherever appropriate, specific recommendations in this regard, including proposals for advisory services and technical assistance measures;

30. *Invites* the Commission on Crime Prevention and Criminal Justice to consider developing a set of model strategies and practical measures on the elimination of violence against children in the field of crime prevention and criminal justice in consultation with all Member States and in close collaboration with all relevant United Nations entities, in particular with the Special Representative of the Secretary-General on Violence against Children and the Office of the United Nations High Commissioner for Human Rights;

31. *Requests* the Secretary-General to submit to the General Assembly at its sixty-eighth session and to the Human Rights Council at its twenty-fourth session a report on the latest developments, challenges and good practices in human rights in the administration of justice, analysing the international legal and institutional framework for the protection of all persons deprived of their liberty, as well as the activities undertaken by the United Nations system as a whole;

32. *Decides* to continue its consideration of the question of human rights in the administration of justice at its sixty-ninth session under the item entitled "Promotion and protection of human rights".

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Third Committee
Agenda item 69 (b)
Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Costa Rica, Liechtenstein, New Zealand and Slovenia: draft resolution

Committee on the Rights of the Child

The General Assembly,

Reaffirming the Convention on the Rights of the Child[1] and the Optional Protocols thereto,[2]

Noting the report of the Secretary-General on the status of the Convention[3] and the report of the Committee on the Rights of the Child,[4]

Noting the request of the Committee contained in annex III of its report,

Recalling its resolutions 66/254 of 23 February 2012 and 66/295 of 17 September 2012 on the intergovernmental process on strengthening and enhancing the effective functioning of the human rights treaty body system, and recognizing in this regard that a long-term solution to the problem of the increasing number of reports of States parties to the Convention on the Rights of the Child and the Optional Protocols can be found in this context,

1. *Expresses its appreciation* for the efforts made so far by the Committee on the Rights of the Child to improve the efficiency of its working methods, and encourages the Committee to continue its activities in this regard;

2. *Notes* that a backlog of more than one hundred reports exists related to the submission by States parties of their reports under the Convention on the Rights of the Child and the Optional Protocols in conformity with their obligations, and

[1] United Nations, *Treaty Series*, vol. 1577, No. 27531.
[2] Ibid., vols. 2171 and 2173, No. 27531 and resolution 66/138.
[3] A/67/225.
[4] *Official Records of the General Assembly, Sixty-seventh Session, Supplement No. 41* (A/67/41).

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notes with concern that if this backlog is not addressed, it will impede the ability of the Committee on the Rights of the Child to consider reports in a timely manner;

3. *Decides* to authorize the Committee, without prejudice to the intergovernmental process of the General Assembly on strengthening and enhancing the effective functioning of the human rights treaty body system, to meet in parallel chambers, of nine members each, for the five working days of one of its three pre-sessional working group meetings in 2013 and thirteen working days of one of its three regular sessions in 2014, for the purposes of considering the reports of the States parties submitted under article 44 of the Convention, article 8 of the Optional Protocol thereto on the involvement of children in armed conflict[5] and article 12 of the Optional Protocol thereto on the sale of children, child prostitution and child pornography,[6] taking due account of equitable geographical distribution and the principal legal systems.

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[5] United Nations, *Treaty Series*, vol. 2173, No. 27531.

[6] Ibid., vol. 2171, No. 27531.

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Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Guatemala, Hungary, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Monaco, Montenegro, New Zealand, Norway, Panama, Poland, Portugal, Republic of Moldova, Romania, Slovenia, Sweden, Switzerland and United Kingdom of Great Britain and Northern Island: draft resolution

Extrajudicial, summary or arbitrary executions

The General Assembly,

Recalling the Universal Declaration of Human Rights,[1] which guarantees the right to life, liberty and security of person, the relevant provisions of the International Covenant on Civil and Political Rights[2] and other relevant human rights conventions,

Reaffirming the mandate of the Special Rapporteur of the Human Rights Council on extrajudicial, summary or arbitrary executions, as set out in Council resolution 17/5 of 16 June 2011,[3]

Welcoming the universal ratification of the Geneva Conventions of 12 August 1949,[4] which alongside human rights law provide an important framework of accountability in relation to extrajudicial, summary or arbitrary executions during armed conflict,

Mindful of all its resolutions on the subject of extrajudicial, summary or arbitrary executions and the resolutions of the Commission on Human Rights and of the Human Rights Council on the subject,

[1] Resolution 217 A (III).
[2] See resolution 2200 A (XXI), annex.
[3] See *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 53* (A/66/53), chap. III, sect. A.
[4] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

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Noting with deep concern that impunity continues to be a major cause of the perpetuation of violations of human rights, including extrajudicial, summary or arbitrary executions,

Acknowledging that international human rights law and international humanitarian law are complementary and mutually reinforcing,

Noting with deep concern the growing number of civilians and persons *hors de combat* killed in situations of armed conflict and internal strife,

Noting also with deep concern the continuing instances of the arbitrary deprivation of life, as a result of the imposition and implementation of capital punishment in a manner that violates international law,

Deeply concerned about acts that can amount to extrajudicial summary or arbitrary executions committed against persons exercising their rights of peaceful assembly and freedom of expression in all regions of the world,

Acknowledging that extrajudicial, summary or arbitrary executions may under certain circumstances amount to genocide, crimes against humanity or war crimes, as defined in international law, including in the Rome Statute of the International Criminal Court,[5] and recalling in this regard that each individual State has the responsibility to protect its populations from such crimes as set out in General Assembly resolutions 60/1 of 16 September 2005 and 63/308 of 14 September 2009,

Convinced of the need for effective action to prevent, combat and eliminate the abhorrent practice of extrajudicial, summary or arbitrary executions, which represent flagrant violations of international human rights law, particularly the right to life, as well as violations of international humanitarian law,

1. *Strongly condemns once again* all the extrajudicial, summary or arbitrary executions that continue to occur throughout the world;

2. *Demands* that all States ensure that the practice of extrajudicial, summary or arbitrary executions is brought to an end and that they take effective action to prevent, combat and eliminate the phenomenon in all its forms and manifestations;

3. *Reiterates* the obligation of all States under international law to conduct thorough, prompt and impartial investigations into all suspected cases of extrajudicial, summary or arbitrary executions, to identify and bring to justice those responsible, while ensuring the right of every person to a fair hearing by a competent, independent and impartial tribunal established by law, to grant adequate compensation within a reasonable time to the victims or their families and to adopt all necessary measures, including legal and judicial measures, to put an end to impunity and to prevent the further occurrence of such executions, as recommended in the Principles on the Effective Prevention and Investigation of Extralegal, Arbitrary and Summary Executions;[6]

4. *Calls upon* Governments, and invites intergovernmental and non-governmental organizations, to pay greater attention to the work of national-level commissions of inquiry into extrajudicial, summary or arbitrary executions

[5] Ibid., vol. 2187, No. 38544.

[6] Economic and Social Council resolution 1989/65, annex.

with a view to ensuring the effective contribution of these commissions to accountability and to combating impunity;

5. *Calls upon* all States, in order to prevent extrajudicial, summary or arbitrary executions, to comply with their obligations under relevant provisions of international human rights instruments, and further calls upon States which retain the death penalty to pay particular regard to the provisions contained in articles 6, 14 and 15 of the International Covenant on Civil and Political Rights[2] and articles 37 and 40 of the Convention on the Rights of the Child,[7] bearing in mind the safeguards and guarantees set out in Economic and Social Council resolutions 1984/50 of 25 May 1984 and 1989/64 of 24 May 1989 and taking into account the recommendations of the Special Rapporteur in the reports to the Human Rights Council and the General Assembly, including his report submitted to the sixty-seventh session of the General Assembly,[8] regarding the need to respect all safeguards and restrictions, including the most serious crimes limitation, stringent respect of due process and fair trial safeguards and the right to seek pardon or commutation of sentence;

6. *Urges* all States:

(a) To take all measures required by international human rights law and international humanitarian law to prevent loss of life, in particular that of children, during detention, arrest, public demonstrations, internal and communal violence, civil unrest, public emergencies or armed conflicts and to ensure that the police, law enforcement agents, armed forces and other agents acting on behalf of or with the consent or acquiescence of the State act with restraint and in conformity with international human rights law and international humanitarian law, including the principles of proportionality and necessity, and in this regard to ensure that police and law enforcement officials are guided by the Code of Conduct for Law Enforcement Officials[9] and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;[10]

(b) To ensure the effective protection of the right to life of all persons under their jurisdiction, to investigate promptly and thoroughly all killings, including those targeted at specific groups of persons, such as racially motivated violence leading to the death of the victim, killings of persons belonging to national or ethnic, religious and linguistic minorities or because of their sexual orientation or gender identity, killings of persons affected by terrorism or hostage-taking or living under foreign occupation, killings of refugees, internally displaced persons, migrants, street children or members of indigenous communities, killings of persons for reasons related to their activities as human rights defenders, lawyers, journalists or demonstrators, killings committed in the name of passion or in the name of honour, and all killings committed for discriminatory reasons on any basis, to bring those responsible to justice before a competent, independent and impartial judiciary at the national or, where appropriate, international level and to ensure that such killings, including those committed by security forces, police and law enforcement

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[7] United Nations, *Treaty Series*, vol. 1577, No. 27531.

[8] A/67/275.

[9] Resolution 34/169, annex.

[10] See *Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat* (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. B.

agents, paramilitary groups or private forces, are neither condoned nor sanctioned by State officials or personnel;

7. *Affirms* the obligation of States, in order to prevent extrajudicial, summary or arbitrary executions, to protect the lives of all persons deprived of their liberty in all circumstances and to investigate and respond to deaths in custody;

8. *Urges* all States to ensure that persons deprived of their liberty are treated humanely and with full respect for international humanitarian and human rights law and that their treatment, including judicial guarantees, and conditions conform to the Standard Minimum Rules for the Treatment of Prisoners[11] and, where applicable, to the Geneva Conventions of 12 August 1949[4] and the Additional Protocols thereto, of 8 June 1977,[12] in relation to all persons detained in armed conflict, as well as to other pertinent international instruments;

9. *Urges* States to prevent and, where such situations exist, to end prisoner control of prisons, bearing in mind the obligation of the State to protect human rights, including protection against extrajudicial, summary or arbitrary executions;

10. *Welcomes* the International Criminal Court as an important contribution to ending impunity concerning extrajudicial, summary or arbitrary executions, and, noting the growing awareness of the Court worldwide, calls upon those States that are under an obligation to cooperate with the Court to provide such cooperation and assistance in the future, in particular with regard to arrest and surrender, the provision of evidence, the protection and relocation of victims and witnesses and the enforcement of sentences, further welcomes the fact that one hundred and twenty-one States have already ratified or acceded to and one hundred and thirty-nine States have signed the Rome Statute of the Court,[5] and calls upon all those States that have not ratified or acceded to the Rome Statute and the Agreement on the Privileges and Immunities of the International Criminal Court[13] to give serious consideration to doing so;

11. *Acknowledges* the importance of ensuring the protection of witnesses for the prosecution of those suspected of extrajudicial, summary or arbitrary executions, urges States to intensify efforts to establish and implement effective witness protection programmes or other measures, and in this regard encourages the Office of the United Nations High Commissioner for Human Rights to develop practical tools designed to encourage and facilitate greater attention to the protection of witnesses;

12. *Encourages* Governments and intergovernmental and non-governmental organizations to organize training programmes and to support projects with a view to training or educating military forces, law enforcement officers and government officials in international humanitarian and human rights law connected with their work and to include a gender and child rights perspective in such training, and appeals to the international community and requests the Office of the High Commissioner to support endeavours to that end;

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[11] *Human Rights: A Compilation of International Instruments*, Volume I (First Part), *Universal Instruments* (United Nations publication, Sales No. E.02.XIV.4 (Vol. I, Part 1)), sect. J, No. 34.

[12] United Nations, *Treaty Series*, vol. 1125, Nos. 17512 and 17513.

[13] United Nations, *Treaty Series*, vol. 2271, No. 40446.

13. *Expresses its concern* about the occurrence of vigilante killings around the globe, encourages States, in order to support efforts to prevent and end such killings, to undertake or facilitate systematic studies of the phenomenon with a view to taking context-specific measures and focused action, and requests the Office of the High Commissioner and other relevant United Nations entities, upon request, to support such studies and their follow-up;

14. *Takes note* of the reports of the Special Rapporteur to the General Assembly and the Human Rights Council, and invites States to take due consideration of the recommendations made therein;[14]

15. *Commends* the important role that the Special Rapporteur plays towards the elimination of extrajudicial, summary or arbitrary executions, and encourages the Special Rapporteur to continue, within his mandate, to collect information from all concerned, to respond effectively to reliable information that comes before him, to follow up on communications and country visits and to seek the views and comments of Governments and to reflect them, as appropriate, in his reports;

16. *Acknowledges* the important role of the Special Rapporteur in identifying cases where extrajudicial, summary or arbitrary executions could amount to genocide and crimes against humanity or war crimes, and urges the Special Rapporteur to collaborate with the United Nations High Commissioner for Human Rights and, as appropriate, the Special Adviser to the Secretary-General on the Prevention of Genocide in addressing situations of extrajudicial, summary or arbitrary executions that are of particularly serious concern or in which early action might prevent further deterioration;

17. *Welcomes* the cooperation established between the Special Rapporteur and other United Nations mechanisms and procedures in the field of human rights, and encourages the Special Rapporteur to continue efforts in that regard;

18. *Urges* all States, in particular those that have not done so, to cooperate with the Special Rapporteur so that his mandate can be carried out effectively, including by favourably and rapidly responding to requests for visits, mindful that country visits are one of the essential tools for the fulfilment of the mandate of the Special Rapporteur, and by responding in a timely manner to communications and other requests transmitted to them by the Special Rapporteur;

19. *Expresses its appreciation* to those States that have received the Special Rapporteur, asks them to examine his recommendations carefully, invites them to inform him of the actions taken on those recommendations, and requests other States to cooperate in a similar way;

20. *Requests* the Secretary-General once again to continue to use his best endeavours in cases where the minimum standards of legal safeguards in articles 6, 9, 14 and 15 of the International Covenant on Civil and Political Rights appear not to have been respected;

21. *Requests* the Secretary-General to provide the Special Rapporteur with adequate human, financial and material resources to enable him to carry out his mandate effectively, including through country visits;

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[14] See A/67/275 and A/66/330.

22. *Also requests* the Secretary-General to continue, in close collaboration with the High Commissioner, in conformity with the mandate of the High Commissioner established by the General Assembly in its resolution 48/141 of 20 December 1993, to ensure that personnel specialized in international humanitarian and human rights law form part of United Nations missions, where appropriate, in order to deal with serious violations of human rights, such as extrajudicial, summary or arbitrary executions;

23. *Requests* the Special Rapporteur to submit to the General Assembly at its sixty-eighth and sixty-ninth sessions a report on the situation worldwide in regard to extrajudicial, summary or arbitrary executions and his recommendations for more effective action to combat this phenomenon;

24. *Decides* to continue its consideration of the question at its sixty-ninth session.

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Cuba:* draft resolution

Enhancement of international cooperation in the field of human rights

The General Assembly,

Reaffirming its commitment to promoting international cooperation, as set forth in the Charter of the United Nations, in particular Article 1, paragraph 3, as well as relevant provisions of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993[1] for enhancing genuine cooperation among Member States in the field of human rights,

Recalling its adoption of the United Nations Millennium Declaration on 8 September 2000[2] and its resolution 66/152 of 19 December 2011, Human Rights Council resolution 19/33 of 23 March 2012[3] and the resolutions of the Commission on Human Rights on the enhancement of international cooperation in the field of human rights,

Recalling also the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held at Durban, South Africa, from 31 August to 8 September 2001, the Durban Review Conference, held at Geneva from 20 to 24 April 2009, and the political declaration of the high-level meeting of the General Assembly to commemorate the tenth anniversary of the adoption of the Durban

* On behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries.

[1] A/CONF.157/24 (Part I), chap. III.

[2] See resolution 55/2.

[3] See *Official Records of the General Assembly, Sixty-seventh Session, Supplement No. 53* (A/67/53), chap. III, sect. A.

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Declaration and Programme of Action,[4] and their role in the enhancement of international cooperation in the field of human rights,

Recognizing that the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations, including the effective promotion and protection of all human rights,

Recognizing also that the promotion and protection of human rights should be based on the principle of cooperation and genuine dialogue and aimed at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all human beings,

Reaffirming that dialogue among religions, cultures and civilizations in the field of human rights could contribute greatly to the enhancement of international cooperation in this field,

Emphasizing the need for further progress in the promotion and encouragement of respect for human rights and fundamental freedoms through, inter alia, international cooperation,

Underlining the fact that mutual understanding, dialogue, cooperation, transparency and confidence-building are important elements in all activities for the promotion and protection of human rights,

Recalling the adoption of resolution 2000/22 of 18 August 2000, on the promotion of dialogue on human rights issues, by the Subcommission on the Promotion and Protection of Human Rights at its fifty-second session,[5]

1. *Reaffirms* that it is one of the purposes of the United Nations and the responsibility of all Member States to promote, protect and encourage respect for human rights and fundamental freedoms through, inter alia, international cooperation;

2. *Recognizes* that, in addition to their separate responsibilities to their individual societies, States have a collective responsibility to uphold the principles of human dignity, equality and equity at the global level;

3. *Reaffirms* that dialogue among cultures and civilizations facilitates the promotion of a culture of tolerance and respect for diversity, and welcomes in this regard the holding of conferences and meetings at the national, regional and international levels on dialogue among civilizations;

4. *Urges* all actors on the international scene to build an international order based on inclusion, justice, equality and equity, human dignity, mutual understanding and promotion of and respect for cultural diversity and universal human rights, and to reject all doctrines of exclusion based on racism, racial discrimination, xenophobia and related intolerance;

5. *Reaffirms* the importance of the enhancement of international cooperation for the promotion and protection of human rights and for the achievement of the objectives of the fight against racism, racial discrimination, xenophobia and related intolerance;

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[4] See resolution 66/3.

[5] See E/CN.4/2001/2-E/CN.4/Sub.2/2000/46, chap. II, sect. A.

6. *Considers* that international cooperation in the field of human rights, in conformity with the purposes and principles set out in the Charter of the United Nations and international law, should make an effective and practical contribution to the urgent task of preventing violations of human rights and fundamental freedoms;

7. *Reaffirms* that the promotion, protection and full realization of all human rights and fundamental freedoms should be guided by the principles of universality, non-selectivity, objectivity and transparency, in a manner consistent with the purposes and principles set out in the Charter;

8. *Emphasizes* the role of international cooperation in support of national efforts and in increasing the capacities of Member States in the field of human rights through, inter alia, the enhancement of their cooperation with human rights mechanisms, including through the provision of technical assistance, upon the request of and in accordance with the priorities set by the States concerned;

9. *Calls upon* Member States, the specialized agencies and intergovernmental organizations to continue to carry out a constructive dialogue and consultations for the enhancement of understanding and the promotion and protection of all human rights and fundamental freedoms, and encourages non-governmental organizations to contribute actively to this endeavour;

10. *Urges* States to take necessary measures to enhance bilateral, regional and international cooperation aimed at addressing the adverse impact of consecutive and compounded global crises, such as financial and economic crises, food crises, climate change and natural disasters, on the full enjoyment of human rights;

11. *Invites* States and relevant United Nations human rights mechanisms and procedures to continue to pay attention to the importance of mutual cooperation, understanding and dialogue in ensuring the promotion and protection of all human rights;

12. *Welcomes* the initiative of the Human Rights Council to organize a seminar on the enhancement of international cooperation in the field of human rights, with the participation of States, relevant United Nations agencies, funds and programmes and other stakeholders, including academic experts and civil society;

13. *Requests* the Secretary-General, in collaboration with the United Nations High Commissioner for Human Rights, to consult States and intergovernmental and non-governmental organizations on ways and means, as well as obstacles and challenges and possible proposals to overcome them, for the enhancement of international cooperation and dialogue in the United Nations human rights machinery, including the Human Rights Council;

14. *Decides* to continue its consideration of the question at its sixty-eighth session.

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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Cuba:* draft resolution

Human rights and unilateral coercive measures

The General Assembly,

Recalling all its previous resolutions on this subject, the most recent of which was resolution 66/156 of 19 December 2011, and Human Rights Council decision 18/120 of 30 September 2011[1] and resolution 19/32 of 23 March 2012,[2] as well as previous resolutions of the Council and the Commission on Human Rights,

Reaffirming the pertinent principles and provisions contained in the Charter of Economic Rights and Duties of States proclaimed by the General Assembly in its resolution 3281 (XXIX) of 12 December 1974, in particular article 32 thereof, in which it declared that no State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights,

Taking note of the report of the Secretary-General submitted pursuant to General Assembly resolution 66/156,[3] and recalling the reports of the Secretary-General on the implementation of Assembly resolutions 52/120 of 12 December 1997[4] and 55/110 of 4 December 2000,[5]

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* On behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries.

[1] See *Official Records of the General Assembly, Sixty-fifth Session, Supplement No. 53A* (A/65/53/Add.1), chap. II.

[2] *Official Records of the General Assembly, Sixty-seventh Session, Supplement No. 53* (A/67/53), chap. III.

[3] A/67/181.

[4] A/53/293 and Add.1.

[5] A/56/207 and Add.1.

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Stressing that unilateral coercive measures and legislation are contrary to international law, international humanitarian law, the Charter of the United Nations and the norms and principles governing peaceful relations among States,

Recognizing the universal, indivisible, interdependent and interrelated character of all human rights, and in this regard reaffirming the right to development as an integral part of all human rights,

Recalling the Final Document of the Sixteenth Ministerial Conference and Commemorative Meeting of the Movement of Non-Aligned Countries, held in Bali, Indonesia, from 23 to 27 May 2011,[6] the Final Document of the Sixteenth Conference of Heads of State or Government of the Non-Aligned Countries, held in Tehran, from 26 to 31 August 2012,[7] and those adopted at previous summits and conferences, in which States members of the Movement agreed to oppose and condemn those measures or laws and their continued application, persevere with efforts to effectively reverse them and urge other States to do likewise, as called for by the General Assembly and other United Nations organs, and request States applying those measures or laws to revoke them fully and immediately,

Recalling also that, at the World Conference on Human Rights, held in Vienna from 14 to 25 June 1993, States were called upon to refrain from any unilateral measure not in accordance with international law and the Charter that creates obstacles to trade relations among States and impedes the full realization of all human rights[8] and also severely threatens the freedom of trade,

Bearing in mind all the references to this question in the Copenhagen Declaration on Social Development adopted by the World Summit for Social Development on 12 March 1995,[9] the Beijing Declaration and Platform for Action adopted by the Fourth World Conference on Women on 15 September 1995,[10] the Istanbul Declaration on Human Settlements and the Habitat Agenda adopted by the second United Nations Conference on Human Settlements (Habitat II) on 14 June 1996,[11] and their five-year reviews,

Expressing concern about the negative impact of unilateral coercive measures on international relations, trade, investment and cooperation,

Expressing grave concern that, in some countries, the situation of children is adversely affected by unilateral coercive measures not in accordance with international law and the Charter that create obstacles to trade relations among States, impede the full realization of social and economic development and hinder the well-being of the population in the affected countries, with particular consequences for women, children, including adolescents, the elderly and persons with disabilities,

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[6] A/65/896-S/2011/407, annex I.

[7] A/67/506-S/2012/752, annex I.

[8] See A/CONF.157/24 (Part I), chap. III.

[9] *Report of the World Summit for Social Development, Copenhagen, 6-12 March 1995* (United Nations publication, Sales No. E.96.IV.8), chap. I, resolution 1, annex I.

[10] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annexes I and II.

[11] *Report of the United Nations Conference on Human Settlements (Habitat II), Istanbul, 3-14 June 1996* (United Nations publication, Sales No. E.97.IV.6), chap. I, resolution 1, annexes I and II.

Deeply concerned that, despite the recommendations adopted on this question by the General Assembly, the Human Rights Council, the Commission on Human Rights and recent major United Nations conferences, and contrary to general international law and the Charter, unilateral coercive measures continue to be promulgated and implemented, with all their negative implications for the social humanitarian activities and economic and social development of developing countries, including their extraterritorial effects, thereby creating additional obstacles to the full enjoyment of all human rights by peoples and individuals under the jurisdiction of other States,

Bearing in mind all the extraterritorial effects of any unilateral legislative, administrative and economic measures, policies and practices of a coercive nature against the development process and the enhancement of human rights in developing countries, which create obstacles to the full realization of all human rights,

Reaffirming that unilateral coercive measures are a major obstacle to the implementation of the Declaration on the Right to Development,[12]

Recalling article 1, paragraph 2, common to the International Covenant on Civil and Political Rights[13] and the International Covenant on Economic, Social and Cultural Rights,[13] which provides, inter alia, that in no case may a people be deprived of its own means of subsistence,

Noting the continuing efforts of the open-ended Working Group on the Right to Development of the Human Rights Council, and reaffirming in particular its criteria, according to which unilateral coercive measures are one of the obstacles to the implementation of the Declaration on the Right to Development,

1. *Urges* all States to cease adopting or implementing any unilateral measures not in accordance with international law, international humanitarian law, the Charter of the United Nations and the norms and principles governing peaceful relations among States, in particular those of a coercive nature, with all their extraterritorial effects, which create obstacles to trade relations among States, thus impeding the full realization of the rights set forth in the Universal Declaration of Human Rights[14] and other international human rights instruments, in particular the right of individuals and peoples to development;

2. *Strongly urges* States to refrain from promulgating and applying any unilateral economic, financial or trade measures not in accordance with international law and the Charter that impede the full achievement of economic and social development, particularly in developing countries;

3. *Also urges* all States not to adopt any unilateral measures not in accordance with international law and the Charter that impede the full achievement of economic and social development by the population of the affected countries, in particular children and women, that hinder their well-being and that create obstacles to the full enjoyment of their human rights, including the right of everyone to a standard of living adequate for his or her health and well-being and his or her right to food, medical care and education and the necessary social services, as well as to ensure that food and medicine are not used as tools for political pressure;

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[12] Resolution 41/128, annex.

[13] See resolution 2200 A (XXI), annex.

[14] Resolution 217 A (III).

4. *Strongly objects* to the extraterritorial nature of those measures which, in addition, threaten the sovereignty of States, and in this context calls upon all Member States neither to recognize those measures nor to apply them, as well as to take administrative or legislative measures, as appropriate, to counteract the extraterritorial applications or effects of unilateral coercive measures;

5. *Condemns* the continuing unilateral application and enforcement by certain Powers of unilateral coercive measures, and rejects those measures, with all their extraterritorial effects, as being tools for political or economic pressure against any country, in particular against developing countries, adopted with a view to preventing those countries from exercising their right to decide, of their own free will, their own political, economic and social systems, and because of the negative effects of those measures on the realization of all the human rights of vast sectors of their populations, in particular children, women, the elderly and persons with disabilities;

6. *Reaffirms* that essential goods such as food and medicines should not be used as tools for political coercion and that under no circumstances should people be deprived of their own means of subsistence and development;

7. *Calls upon* Member States that have initiated such measures to abide by the principles of international law, the Charter, the declarations of the United Nations and world conferences and relevant resolutions and to commit themselves to their obligations and responsibilities arising from the international human rights instruments to which they are parties by revoking such measures at the earliest possible time;

8. *Reaffirms*, in this context, the right of all peoples to self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development;

9. *Recalls* that, according to the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, contained in the annex to General Assembly resolution 2625 (XXV) of 24 October 1970, and the relevant principles and provisions contained in the Charter of Economic Rights and Duties of States proclaimed by the Assembly in its resolution 3281 (XXIX), in particular article 32 thereof, no State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind;

10. *Rejects* all attempts to introduce unilateral coercive measures, and urges the Human Rights Council to take fully into account the negative impact of those measures, including through the enactment of national laws and their extraterritorial application which are not in conformity with international law, in its task concerning the implementation of the right to development;

11. *Requests* the United Nations High Commissioner for Human Rights, in discharging her functions relating to the promotion, realization and protection of the right to development and bearing in mind the continuing impact of unilateral coercive measures on the population of developing countries, to give priority to the present resolution in her annual report to the General Assembly;

12. *Underlines* the fact that unilateral coercive measures are one of the major obstacles to the implementation of the Declaration on the Right to Development,[12] and in this regard calls upon all States to avoid the unilateral imposition of economic coercive measures and the extraterritorial application of domestic laws that run counter to the principles of free trade and hamper the development of developing countries, as recognized by the Working Group on the Right to Development of the Human Rights Council;

13. *Recognizes* that, in the Declaration of Principles adopted at the first phase of the World Summit on the Information Society, held in Geneva from 10 to 12 December 2003,[15] States were strongly urged to avoid and refrain from any unilateral measure not in accordance with international law and the Charter of the United Nations in building the information society;

14. *Reiterates its support* for the invitation of the Human Rights Council to all special rapporteurs and existing thematic mechanisms of the Council in the field of economic, social and cultural rights to pay due attention, within the scope of their respective mandates, to the negative impact and consequences of unilateral coercive measures;

15. *Reaffirms* the request of the Human Rights Council that the Office of the United Nations High Commissioner for Human Rights prepare a thematic study on the impact of unilateral coercive measures on the enjoyment of human rights, including recommendations on actions aimed at ending such measures, taking into account all previous reports, resolutions and relevant information available to the United Nations system in this regard, to be submitted to the Council at its nineteenth session;

16. *Requests* the Secretary-General to bring the present resolution to the attention of all Member States, to continue to collect their views and information on the implications and negative effects of unilateral coercive measures on their populations and to submit an analytical report thereon to the General Assembly at its sixty-eighth session, while reiterating once again the need to highlight the practical and preventive measures in this respect;

17. *Decides* to examine the question on a priority basis at its sixty-eighth session, under the item entitled "Promotion and protection of human rights", the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms".

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[15] A/C.2/59/3, annex, chap. I, sect. A.

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Cuba:* draft resolution

The right to development

The General Assembly,

Guided by the Charter of the United Nations, which expresses, in particular, the determination to promote social progress and better standards of life in larger freedom and, to that end, to employ international mechanisms for the promotion of the economic and social advancement of all peoples,

Recalling the Universal Declaration of Human Rights,[1] as well as the International Covenant on Civil and Political Rights[2] and the International Covenant on Economic, Social and Cultural Rights,[2]

Recalling also the outcomes of all the major United Nations conferences and summits in the economic and social fields,

Recalling further the Declaration on the Right to Development, adopted by the General Assembly in its resolution 41/128 of 4 December 1986, which confirmed that the right to development is an inalienable human right and that equality of opportunity for development is a prerogative both of nations and of individuals who make up nations, and that the individual is the central subject and beneficiary of development,

Stressing that the Vienna Declaration and Programme of Action[3] reaffirmed the right to development as a universal and inalienable right and an integral part of fundamental human rights, and the individual as the central subject and beneficiary of development,

* On behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries.

[1] Resolution 217 A (III).

[2] See resolution 2200 A (XXI), annex.

[3] A/CONF.157/24 (Part I), chap. III.

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Reaffirming the objective of making the right to development a reality for everyone, as set out in the United Nations Millennium Declaration, adopted by the General Assembly on 8 September 2000,[4]

Deeply concerned that the majority of indigenous peoples in the world live in conditions of poverty, and recognizing the critical need to address the negative impact of poverty and inequity on indigenous peoples by ensuring their full and effective inclusion in development and poverty eradication programmes,

Reaffirming the universality, indivisibility, interrelatedness, interdependence and mutually reinforcing nature of all civil, cultural, economic, political and social rights, including the right to development,

Expressing deep concern over the lack of progress in the trade negotiations of the World Trade Organization, and reaffirming the need for a successful outcome of the Doha Development Round in key areas such as agriculture, market access for non-agricultural products, trade facilitation, development and services,

Recalling the outcome of the twelfth session of the United Nations Conference on Trade and Development, held in Accra from 20 to 25 April 2008, on the theme "Addressing the opportunities and challenges of globalization for development",[5]

Recalling also all its previous resolutions, Human Rights Council resolution 21/32 of 28 September 2012, previous resolutions of the Council and those of the Commission on Human Rights on the right to development, in particular Commission resolution 1998/72 of 22 April 1998[6] on the urgent need to make further progress towards the realization of the right to development as set out in the Declaration on the Right to Development,

Recalling the outcome of the eleventh session of the Working Group on the Right to Development of the Human Rights Council, held in Geneva from 26 to 30 April 2010, as contained in the report of the Working Group[7] and as referred to in the report of the Secretary-General and the United Nations High Commissioner for Human Rights on the right to development,[8]

Recalling also the Sixteenth Conference of Heads of State or Government of Non-Aligned Countries, held in Tehran from 26 to 31 August 2012, and the previous summits and conferences at which the States members of the Movement stressed the need to operationalize the right to development as a priority,

Reiterating its continuing support for the New Partnership for Africa's Development[9] as a development framework for Africa,

Expressing its appreciation for the efforts of the Chair-Rapporteur of the Working Group on the Right to Development of the Human Rights Council and the members of the high-level task force on the implementation of the right to

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[4] Resolution 55/2.

[5] See TD/442 and Corr.1 and 2.

[6] See *Official Records of the Economic and Social Council, 1998, Supplement No. 3* (E/1998/23), chap. II, sect. A.

[7] A/HRC/15/23.

[8] A/HRC/15/24.

[9] A/57/304, annex.

development in completing the 2008-2010 three-phase road map established by the Council in its resolution 4/4 of 30 March 2007,[10]

Noting with sadness the passing of the former Chair-Rapporteur of the Working Group, and welcoming the new mandate holder,

Deeply concerned about the negative impacts of the global economic and financial crises on the realization of the right to development,

Recognizing that, while development facilitates the enjoyment of all human rights, the lack of development may not be invoked to justify the abridgement of internationally recognized human rights,

Recognizing also that Member States should cooperate with each other in ensuring development and eliminating obstacles to development, that the international community should promote effective international cooperation for the realization of the right to development and the elimination of obstacles to development and that lasting progress towards the implementation of the right to development requires effective development policies at the national level, as well as equitable economic relations and a favourable economic environment at the international level,

Recognizing further that poverty is an affront to human dignity,

Recognizing that extreme poverty and hunger are one of the greatest global threats and require the collective commitment of the international community for its eradication, pursuant to Millennium Development Goal 1, and therefore calling upon the international community, including the Human Rights Council, to contribute towards achieving that goal,

Recognizing also that historical injustices have undeniably contributed to the poverty, underdevelopment, marginalization, social exclusion, economic disparity, instability and insecurity that affect many people in different parts of the world, in particular in developing countries,

Stressing that poverty eradication is one of the critical elements in the promotion and realization of the right to development and that poverty is a multifaceted problem that requires a multifaceted and integrated approach in addressing economic, political, social, environmental and institutional dimensions at all levels, especially in the context of the Millennium Development Goal of halving, by 2015, the proportion of the world's people whose income is less than one dollar a day and the proportion of people who suffer from hunger,

1. *Takes note* of the report of the Secretary-General and the United Nations High Commissioner for Human Rights on the right to development,[11]

2. *Recognizes* the significance of all the events held to commemorate the twenty-fifth anniversary of the Declaration on the Right to Development,[12] including the panel discussion on the theme "The way forward in the realization of the right to development: between policy and practice", held during the eighteenth session of the Human Rights Council;

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[10] See *Official Records of the General Assembly, Sixty-second Session, Supplement No. 53* (A/62/53), chap. III, sect. A.

[11] A/HRC/19/45.

[12] Resolution 41/128, annex.

3. *Endorses* the conclusions and recommendations adopted by consensus by the Working Group on the Right to Development of the Human Rights Council at its eleventh session,[7] and calls for their immediate, full and effective implementation by the Office of the United Nations High Commissioner for Human Rights and other relevant actors;

4. *Supports* the realization of the mandate of the Working Group, as renewed by the Human Rights Council in its resolution 9/3 of 24 September 2008;[13]

5. *Welcomes* the launching, in the Working Group on the Right to Development, of the process for considering, revising and refining the draft right to development criteria and corresponding operational subcriteria,[14] with the first reading of the draft criteria;

6. *Emphasizes* the relevant provisions of General Assembly resolution 60/251 of 15 March 2006 establishing the Human Rights Council, and in this regard calls upon the Council to implement the agreement to continue to act to ensure that its agenda promotes and advances sustainable development and the achievement of the Millennium Development Goals, and also in this regard to lead to raising the right to development, as set out in paragraphs 5 and 10 of the Vienna Declaration and Programme of Action,[3] to the same level as and on a par with all other human rights and fundamental freedoms;

7. *Notes* the efforts under way within the framework of the Working Group with a view to completing the tasks entrusted to it by the Human Rights Council in its resolution 4/4,[10] and reaffirms the conclusions and recommendations of the Working Group agreed upon at its eleventh session;[15]

8. *Also notes* the work of the high-level task force on the implementation of the right to development, the mandate of which ended in 2010, including its consolidation of findings and the list of right-to-development criteria and corresponding operational subcriteria;[16]

9. *Stresses* that it is important that the views requested of Member States and relevant stakeholders on the work of the high-level task force and the way forward take into consideration the essential features of the right to development, using as a reference the Declaration on the Right to Development and resolutions on the right to development of the Commission on Human Rights, the Human Rights Council and the General Assembly;

10. *Also stresses* that the above-mentioned compilations of views, criteria and corresponding operational subcriteria, once considered, revised and endorsed by the Working Group, should be used, as appropriate, in the elaboration of a comprehensive and coherent set of standards for the implementation of the right to development;

11. *Emphasizes* the importance of the Working Group taking appropriate steps to ensure respect for and practical application of the above-mentioned standards, which could take various forms, including the elaboration of guidelines

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[13] See *Official Records of the General Assembly, Sixty-third Session, Supplement No. 53A* (A/63/53/Add.1), chap. I.

[14] See A/HRC/15/WG.2/TF/2/Add.2.

[15] See A/HRC/15/23, paras. 41-47.

[16] See A/HRC/15/WG.2/TF/2 and Corr.1 and Add.1/Corr.1 and Add.2.

on the implementation of the right to development, and evolve into a basis for consideration of an international legal standard of a binding nature through a collaborative process of engagement;

12. *Stresses* the importance of the core principles contained in the conclusions of the Working Group at its third session,[17] congruent with the purpose of international human rights instruments, such as equality, non-discrimination, accountability, participation and international cooperation, as critical to mainstreaming the right to development at the national and international levels, and underlines the importance of the principles of equity and transparency;

13. *Also stresses* that it is important that the Chair-Rapporteur and the Working Group, in the discharge of their mandates, take into account the need:

(a) To promote the democratization of the system of international governance in order to increase the effective participation of developing countries in international decision-making;

(b) To also promote effective partnerships such as the New Partnership for Africa's Development[9] and other similar initiatives with the developing countries, particularly the least developed countries, for the purpose of the realization of their right to development, including the achievement of the Millennium Development Goals;

(c) To strive for greater acceptance, operationalization and realization of the right to development at the international level, while urging all States to undertake at the national level the necessary policy formulation and to institute the measures required for the implementation of the right to development as an integral part of all human rights and fundamental freedoms, and also urging all States to expand and deepen mutually beneficial cooperation in ensuring development and eliminating obstacles to development in the context of promoting effective international cooperation for the realization of the right to development, bearing in mind that lasting progress towards the implementation of the right to development requires effective development policies at the national level and a favourable economic environment at the international level;

(d) To consider ways and means to continue to ensure the operationalization of the right to development as a priority;

(e) To mainstream the right to development in the policies and operational activities of the United Nations and the specialized agencies, funds and programmes, as well as in the policies and strategies of the international financial and multilateral trading systems, bearing in mind in this regard that the core principles of the international economic, commercial and financial spheres, such as equity, non-discrimination, transparency, accountability, participation and international cooperation, including effective partnerships for development, are indispensable in achieving the right to development and preventing discriminatory treatment arising from political or other non-economic considerations in addressing the issues of concern to the developing countries;

14. *Encourages* the Human Rights Council to continue considering how to ensure follow up to the work of the former Subcommission on the Promotion and

[17] See E/CN.4/2002/28/Rev.1, sect. VIII.A.

Protection of Human Rights on the right to development, in accordance with the relevant provisions of the resolutions adopted by the General Assembly and the Commission on Human Rights and in compliance with decisions to be taken by the Council;

15. *Invites* Member States and all other stakeholders to participate actively in future sessions of the Social Forum, while recognizing the strong support extended to the Forum at its first four sessions by the Subcommission on the Promotion and Protection of Human Rights;

16. *Reaffirms* the commitment to implement the goals and targets set out in all the outcome documents of the major United Nations conferences and summits and their review processes, in particular those relating to the realization of the right to development, recognizing that the realization of the right to development is critical to achieving the objectives, goals and targets set in those outcome documents;

17. *Also reaffirms* that the realization of the right to development is essential to the implementation of the Vienna Declaration and Programme of Action, which regards all human rights as universal, indivisible, interdependent and interrelated, places the human person at the centre of development and recognizes that, while development facilitates the enjoyment of all human rights, the lack of development may not be invoked to justify the abridgement of internationally recognized human rights;

18. *Stresses* that the primary responsibility for the promotion and protection of all human rights lies with the State, and reaffirms that States have the primary responsibility for their own economic and social development and that the role of national policies and development strategies cannot be overemphasized;

19. *Reaffirms* the primary responsibility of States to create national and international conditions favourable to the realization of the right to development, as well as their commitment to cooperate with each other to that end;

20. *Also reaffirms* the need for an international environment that is conducive to the realization of the right to development;

21. *Stresses* the need to strive for greater acceptance, operationalization and realization of the right to development at the international and national levels, and calls upon all States to institute the measures required for the implementation of the right to development as an integral part of all human rights and fundamental freedoms;

22. *Emphasizes* the critical importance of identifying and analysing obstacles impeding the full realization of the right to development at both the national and the international levels;

23. *Affirms* that, while globalization offers both opportunities and challenges, the process of globalization remains deficient in achieving the objectives of integrating all countries into a globalized world, and stresses the need for policies and measures at the national and global levels to respond to the challenges and opportunities of globalization if this process is to be made fully inclusive and equitable;

24. *Recognizes* that, despite continuous efforts on the part of the international community, the gap between developed and developing countries remains unacceptably wide, that most of the developing countries continue to face difficulties in participating in the globalization process and that many risk being marginalized and effectively excluded from its benefits;

25. *Expresses its deep concern*, in this regard, about the negative impact on the realization of the right to development due to the further aggravation of the economic and social situation, in particular of developing countries, as a result of the ongoing international energy, food and financial crises, as well as the increasing challenges posed by global climate change and the loss of biodiversity, which have increased vulnerabilities and inequalities and have adversely affected development gains, in particular in developing countries;

26. *Underlines* the fact that the international community is far from meeting the target set in the United Nations Millennium Declaration[4] of halving the number of people living in poverty by 2015, reaffirms the commitment made to meet that target, and emphasizes the principle of international cooperation, including partnership and commitment, between developed and developing countries towards achieving the goal;

27. *Urges* developed countries that have not yet done so to make concrete efforts towards meeting the targets of 0.7 per cent of their gross national product for official development assistance to developing countries and 0.15 to 0.2 per cent of their gross national product to least developed countries, and encourages developing countries to build on the progress achieved in ensuring that official development assistance is used effectively to help to meet development goals and targets;

28. *Recognizes* the need to address market access for developing countries, including in the sectors of agriculture, services and non-agricultural products, in particular those of interest to developing countries;

29. *Calls once again for* the implementation of a desirable pace of meaningful trade liberalization, including in areas under negotiation in the World Trade Organization; the implementation of commitments on implementation related issues and concerns; a review of special and differential treatment provisions, with a view to strengthening them and making them more precise, effective and operational; the avoidance of new forms of protectionism; and capacity-building and technical assistance for developing countries as important issues in making progress towards the effective implementation of the right to development;

30. *Recognizes* the important link between the international economic, commercial and financial spheres and the realization of the right to development; stresses in this regard the need for good governance and for broadening the base of decision-making at the international level on issues of development concern and the need to fill organizational gaps, as well as to strengthen the United Nations system and other multilateral institutions; and also stresses the need to broaden and strengthen the participation of developing countries and countries with economies in transition in international economic decision-making and norm-setting;

31. *Also recognizes* that good governance and the rule of law at the national level assist all States in the promotion and protection of human rights, including the right to development, and agrees on the value of the ongoing efforts being made by States to identify and strengthen good governance practices, including transparent,

responsible, accountable and participatory government, that are responsive and appropriate to their needs and aspirations, including in the context of agreed partnership approaches to development, capacity-building and technical assistance;

32. *Further recognizes* the important role and the rights of women and the application of a gender perspective as a cross-cutting issue in the process of realizing the right to development, and notes in particular the positive relationship between the education of women and their equal participation in the civil, cultural, economic, political and social activities of the community and the promotion of the right to development;

33. *Stresses* the need for the integration of the rights of children, girls and boys alike, in all policies and programmes and for ensuring the promotion and protection of those rights, especially in areas relating to health, education and the full development of their capacities;

34. *Recalls* the Political Declaration on HIV and AIDS: Intensifying Our Efforts to Eliminate HIV and AIDS, adopted on 10 June 2011 at the High-level Meeting of the General Assembly on HIV/AIDS,[18] stresses that further and additional measures must be taken at the national and international levels to fight HIV and AIDS and other communicable diseases, taking into account ongoing efforts and programmes, and reiterates the need for international assistance in this regard;

35. *Welcomes* the Political Declaration of the High-level Meeting of the General Assembly on the Prevention and Control of Non-communicable Diseases, adopted on 19 September 2011,[19] with a particular focus on development and other challenges and social and economic impacts, particularly for developing countries;

36. *Recalls* the outcome document of the United Nations Conference on Sustainable Development, entitled "The future we want";[20]

37. *Recalls* the Convention on the Rights of Persons with Disabilities,[21] which entered into force on 3 May 2008, and stresses the need to take into consideration the rights of persons with disabilities and the importance of international cooperation in support of national efforts in the realization of the right to development;

38. *Stresses its commitment* to indigenous peoples in the process of the realization of the right to development, and reaffirms the commitment to promote their rights in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security, in accordance with recognized international human rights obligations and taking into account, as appropriate, the United Nations Declaration on the Rights of Indigenous Peoples, adopted by the General Assembly in its resolution 61/295 of 13 September 2007;

39. *Recognizes* the need for strong partnerships with civil society organizations and the private sector in pursuit of poverty eradication and development, as well as for corporate social responsibility;

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[18] Resolution 65/277, annex.

[19] Resolution 66/2, annex.

[20] Resolution 66/288, annex.

[21] United Nations, *Treaty Series*, vol. 2515, No. 44910.

40. *Emphasizes* the urgent need for taking concrete and effective measures to prevent, combat and criminalize all forms of corruption at all levels, to prevent, detect and deter in a more effective manner international transfers of illicitly acquired assets and to strengthen international cooperation in asset recovery, consistent with the principles of the United Nations Convention against Corruption,[22] particularly chapter V thereof, stresses the importance of a genuine political commitment on the part of all Governments through a firm legal framework, and in this context urges States to sign and ratify the Convention as soon as possible and States parties to implement it effectively;

41. *Also emphasizes* the need to strengthen further the activities of the Office of the United Nations High Commissioner for Human Rights in the promotion and realization of the right to development, including by ensuring effective use of the financial and human resources necessary to fulfil its mandate, and calls upon the Secretary-General to provide the Office of the High Commissioner with the necessary resources;

42. *Reaffirms* the request to the United Nations High Commissioner for Human Rights, in mainstreaming the right to development, to undertake effectively activities aimed at strengthening the global partnership for development among Member States, development agencies and the international development, financial and trade institutions and to reflect those activities in detail in her next report to the Human Rights Council;

43. *Calls upon* the United Nations funds and programmes, as well as the specialized agencies, to mainstream the right to development in their operational programmes and objectives, and stresses the need for the international financial and multilateral trading systems to mainstream the right to development in their policies and objectives;

44. *Requests* the Secretary-General to bring the present resolution to the attention of Member States, United Nations organs and bodies, specialized agencies, funds and programmes, international development and financial institutions, in particular the Bretton Woods institutions, and non-governmental organizations;

45. *Also requests* the Secretary-General to submit a report to the General Assembly at its sixty-eighth session and an interim report to the Human Rights Council on the implementation of the present resolution, including efforts undertaken at the national, regional and international levels in the promotion and realization of the right to development, and invites the Chair-Rapporteur of the Working Group to present an oral report and to engage in an interactive dialogue with the Assembly at its sixty-eighth session.

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[22] Ibid., vol. 2349, No. 42146.

United Nations A/C.3/67/L.40

General Assembly

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Sixty-seventh session
Third Committee
Agenda item 69 (b)
Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Argentina, Chile, Guatemala and Mexico: draft resolution

Protection of migrants

The General Assembly,

Recalling all its previous resolutions on the protection of migrants, the most recent of which is resolution 66/172 of 19 December 2011, as well as its resolution 66/128 of 19 December 2011, on violence against women migrant workers, and recalling also Human Rights Council resolution 20/3 of 5 July 2012,[1]

Reaffirming the Universal Declaration of Human Rights,[2] which proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin,

Reaffirming also that everyone has the right to freedom of movement and residence within the borders of each State and the right to leave any country, including his or her own, and to return to his or her country,

Recalling the International Covenant on Civil and Political Rights[3] and the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[4] the Convention on the Elimination of All Forms of Discrimination against Women,[5] the Convention on the Rights of the Child,[6] the International Convention on the

[1] *Official Records of the General Assembly, Sixty-seventh Session, Supplement No. 53* and corrigendum (A/67/53 and Corr.1), chap. III.A.
[2] Resolution 217 A (III).
[3] See resolution 2200 A (XXI), annex.
[4] United Nations, *Treaty Series*, vol. 1465, No. 24841.
[5] Ibid., vol. 1249, No. 20378.
[6] Ibid., vol. 1577, No. 27531.

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Please recycle

Elimination of All Forms of Racial Discrimination,[7] the Convention on the Rights of Persons with Disabilities,[8] the Vienna Convention on Consular Relations[9] and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,[10]

Recalling also the outcome document of the United Nations Conference on Sustainable Development, entitled "The future we want",[11] which calls upon States to promote and protect effectively the human rights and fundamental freedoms of all migrants regardless of migration status, especially those of women and children, and to address international migration through international, regional or bilateral cooperation and dialogue and a comprehensive and balanced approach, recognizing the roles and responsibilities of countries of origin, transit and destination in promoting and protecting the human rights of all migrants, and avoiding approaches that might aggravate their vulnerability,

Recalling further the provisions concerning migrants contained in the outcome documents of all major United Nations conferences and summits, including the Outcome of the Conference on the World Financial and Economic Crisis and Its Impact on Development,[12] which recognizes that migrant workers are among the most affected and vulnerable in the context of financial and economic crises,

Recalling further Commission on Population and Development resolutions 2006/2 of 10 May 2006[13] and 2009/1 of 3 April 2009,[14]

Recalling that the Commission on Population and Development will consider the issue of new trends in migration: demographic aspects at its forty-sixth session in 2013,

Taking note of advisory opinion OC-16/99 of 1 October 1999 on the Right to Information on Consular Assistance in the Framework of the Guarantees of the Due Process of Law and advisory opinion OC-18/03 of 17 September 2003 on the Juridical Condition and Rights of Undocumented Migrants, issued by the Inter-American Court of Human Rights,

Taking note also of the Judgment of the International Court of Justice of 31 March 2004 in the case concerning *Avena and Other Mexican Nationals*[15] and the Judgment of the Court of 19 January 2009 regarding the request for

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[7] Ibid., vol. 660, No. 9464.

[8] Ibid., vol. 2515, No. 44910.

[9] Ibid., vol. 596, No. 8638.

[10] Ibid., vol. 2220, No. 39481.

[11] Resolution 66/288, annex.

[12] Resolution 63/303, annex.

[13] See *Official Records of the Economic and Social Council, 2006, Supplement No. 5* (E/2006/25), chap. I, sect. B.

[14] Ibid., *2009, Supplement No. 5* (E/2009/25), chap. I, sect. B.

[15] See *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 4* (A/59/4), chap. V, sect. A.23; see also *Avena and Other Mexican Nationals* (*Mexico v. United States of America*), *Judgment, I.C.J. Reports 2004*, p. 12.

Affirming that crimes against migrants, including trafficking in persons, continue to pose a serious challenge and require a concerted international assessment and response and genuine multilateral cooperation among countries of origin, transit and destination for their eradication,

Bearing in mind that policies and initiatives on the issue of migration, including those that refer to the orderly management of migration, should promote holistic approaches that take into account the causes and consequences of the phenomenon, as well as full respect for the human rights and fundamental freedoms of migrants,

Stressing the importance of regulations and laws regarding irregular migration, at all levels of government, being in accordance with the obligations of States under international law, including international human rights law,

Stressing also the obligation of States to protect the human rights of migrants regardless of their migration status, and expressing its concern at measures which, including in the context of policies aimed at reducing irregular migration, treat irregular migration as a criminal rather than an administrative offence where the effect of doing so is to deny migrants full enjoyment of their human rights and fundamental freedoms,

Aware that, as criminals take advantage of migratory flows and attempt to circumvent restrictive immigration policies, migrants become more vulnerable to, inter alia, kidnapping, extortion, forced labour, sexual exploitation, physical assault, debt servitude and abandonment,

Recognizing the contributions of young migrants to countries of origin and destination, and in that regard encouraging States to consider the specific circumstances and needs of young migrants,

Concerned about the large and growing number of migrants, especially women and children, who place themselves in a vulnerable situation by attempting to cross international borders without the required travel documents, and recognizing the obligation of States to respect the human rights of those migrants,

Stressing that penalties and the treatment given to irregular migrants should be commensurate with their infraction,

Recognizing the importance of having a comprehensive and balanced approach to international migration, and bearing in mind that migration enriches the economic, political, social and cultural fabric of States and the historical and cultural ties that exist among some regions,

Recognizing also the obligations of countries of origin, transit and destination under international human rights law,

Underlining the importance for States, in cooperation with non-governmental organizations and other relevant stakeholders, to undertake information campaigns aimed at clarifying opportunities, limitations, risks and rights in the event of migration, in order to enable everyone to make informed decisions and to prevent anyone from utilizing dangerous means to cross international borders,

1. *Calls upon* States to effectively promote and protect the human rights and fundamental freedoms of all migrants, regardless of their migration status, especially those of women and children, and to address international migration

Affirming that crimes against migrants, including trafficking in persons, continue to pose a serious challenge and require a concerted international assessment and response and genuine multilateral cooperation among countries of origin, transit and destination for their eradication,

Bearing in mind that policies and initiatives on the issue of migration, including those that refer to the orderly management of migration, should promote holistic approaches that take into account the causes and consequences of the phenomenon, as well as full respect for the human rights and fundamental freedoms of migrants,

Stressing the importance of regulations and laws regarding irregular migration, at all levels of government, being in accordance with the obligations of States under international law, including international human rights law,

Stressing also the obligation of States to protect the human rights of migrants regardless of their migration status, and expressing its concern at measures which, including in the context of policies aimed at reducing irregular migration, treat irregular migration as a criminal rather than an administrative offence where the effect of doing so is to deny migrants full enjoyment of their human rights and fundamental freedoms,

Aware that, as criminals take advantage of migratory flows and attempt to circumvent restrictive immigration policies, migrants become more vulnerable to, inter alia, kidnapping, extortion, forced labour, sexual exploitation, physical assault, debt servitude and abandonment,

Recognizing the contributions of young migrants to countries of origin and destination, and in that regard encouraging States to consider the specific circumstances and needs of young migrants,

Concerned about the large and growing number of migrants, especially women and children, who place themselves in a vulnerable situation by attempting to cross international borders without the required travel documents, and recognizing the obligation of States to respect the human rights of those migrants,

Stressing that penalties and the treatment given to irregular migrants should be commensurate with their infraction,

Recognizing the importance of having a comprehensive and balanced approach to international migration, and bearing in mind that migration enriches the economic, political, social and cultural fabric of States and the historical and cultural ties that exist among some regions,

Recognizing also the obligations of countries of origin, transit and destination under international human rights law,

Underlining the importance for States, in cooperation with non-governmental organizations and other relevant stakeholders, to undertake information campaigns aimed at clarifying opportunities, limitations, risks and rights in the event of migration, in order to enable everyone to make informed decisions and to prevent anyone from utilizing dangerous means to cross international borders,

1. *Calls upon* States to effectively promote and protect the human rights and fundamental freedoms of all migrants, regardless of their migration status, especially those of women and children, and to address international migration

through international, regional or bilateral cooperation and dialogue and through a comprehensive and balanced approach, recognizing the roles and responsibilities of countries of origin, transit and destination in promoting and protecting the human rights of all migrants, and avoiding approaches that might aggravate their vulnerability;

2. *Expresses its concern* about the impact of financial and economic crises on international migration and migrants, and in that regard urges Governments to combat unfair and discriminatory treatment of migrants, in particular migrant workers and their families;

3. *Reaffirms* the rights set forth in the Universal Declaration of Human Rights[2] and the obligations of States under the International Covenants on Human Rights,[3] and in this regard:

(a) Strongly condemns the manifestations and acts of racism, racial discrimination, xenophobia and related intolerance against migrants and the stereotypes often applied to them, including on the basis of religion or belief, and urges States to apply and, where needed, reinforce the existing laws when xenophobic or intolerant acts, manifestations or expressions against migrants occur, in order to eradicate impunity for those who commit xenophobic and racist acts;

(b) Expresses concern about legislation adopted by some States that results in measures and practices that may restrict the human rights and fundamental freedoms of migrants, and reaffirms that, when exercising their sovereign right to enact and implement migratory and border security measures, States have the duty to comply with their obligations under international law, including international human rights law, in order to ensure full respect for the human rights of migrants;

(c) Calls upon States to ensure that their laws and policies, including in the areas of counter-terrorism and combating transnational organized crime, such as trafficking in persons and smuggling of migrants, fully respect the human rights of migrants;

(d) Calls upon States that have not done so to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families[10] as a matter of priority, and requests the Secretary-General to continue his efforts to promote and raise awareness of the Convention;

(e) Takes note of the report of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families on its fifteenth and sixteenth sessions;[17]

4. *Also reaffirms* the duty of States to effectively promote and protect the human rights and fundamental freedoms of all migrants, especially those of women and children, regardless of their immigration status, in conformity with the Universal Declaration of Human Rights and the international instruments to which they are party, and therefore:

(a) Calls upon all States to respect the human rights and the inherent dignity of migrants and to put an end to arbitrary arrest and detention and, where necessary,

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[17] *Official Records of the General Assembly, Sixty-seventh Session, Supplement No. 48* and corrigendum (A/67/48 and Corr.1).

to review detention periods in order to avoid excessive detention of irregular migrants, and to adopt, where applicable, alternative measures to detention;

(b) Urges all States to adopt effective measures to prevent and punish any form of illegal deprivation of liberty of migrants by individuals or groups;

(c) Notes with appreciation the measures adopted by some States to reduce detention periods in cases of undocumented migration in the application of domestic regulations and laws regarding irregular migration;

(d) Also notes with appreciation the successful implementation by some States of alternative measures to detention in cases of undocumented migration as a practice that deserves consideration by all States;

(e) Requests States to adopt concrete measures to prevent the violation of the human rights of migrants while in transit, including in ports and airports and at borders and migration checkpoints, to train public officials who work in those facilities and in border areas to treat migrants respectfully and in accordance with the law, and to prosecute, in conformity with applicable law, any act of violation of the human rights of migrants, inter alia, arbitrary detention, torture and violations of the right to life, including extrajudicial executions, during their transit from their country of origin to the country of destination and vice versa, including their transit through national borders;

(f) Underlines the right of migrants to return to their country of citizenship, and recalls that States must ensure that their returning nationals are duly received;

(g) Reaffirms emphatically the duty of States parties to ensure full respect for and observance of the Vienna Convention on Consular Relations,[9] in particular with regard to the right of all foreign nationals, regardless of their immigration status, to communicate with a consular official of the sending State in case of arrest, imprisonment, custody or detention, and the obligation of the receiving State to inform the foreign national without delay of his or her rights under the Convention;

(h) Requests all States, in conformity with national legislation and applicable international legal instruments to which they are party, to enforce labour law effectively, including by addressing violations of such law, with regard to migrant workers' labour relations and working conditions, inter alia, those related to their remuneration and conditions of health, safety at work and the right to freedom of association;

(i) Encourages all States to remove unlawful obstacles, where they exist, that may prevent the safe, transparent, unrestricted and expeditious transfer of remittances, earnings, assets and pensions of migrants to their country of origin or to any other countries, in conformity with applicable legislation and agreements, and to consider, as appropriate, measures to solve other problems that may impede such transfers;

(j) Recalls that the Universal Declaration of Human Rights recognizes that everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted to him or her;

5. *Emphasizes* the importance of protecting persons in vulnerable situations, and in this regard:

(a) Expresses its concern about the increase in the activities of transnational and national organized crime entities and others who profit from crimes against migrants, especially women and children, without regard for dangerous and inhumane conditions and in flagrant violation of domestic laws and international law and contrary to international standards;

(b) Also expresses its concern about the high level of impunity enjoyed by traffickers and their accomplices as well as other members of organized crime entities and, in this context, the denial of rights and justice to migrants who have suffered from abuse;

(c) Welcomes immigration programmes, adopted by some countries, that allow migrants to integrate fully into the host countries, facilitate family reunification and promote a harmonious, tolerant and respectful environment, and encourages States to consider the possibility of adopting these types of programmes;

(d) Calls upon States to implement gender-sensitive policies and programmes for women migrant workers and to provide safe and legal channels that recognize their skills and education and fair labour conditions, facilitate their productive employment and decent work and integration into the labour force, including in the fields of education and science and technology, and ensure that all women, including care workers, are legally protected against violence and exploitation;

(e) Encourages all States to develop international migration policies and programmes that include a gender perspective, in order to adopt the measures necessary to better protect women and girls against dangers and abuse during migration;

(f) Calls upon States to protect the human rights of migrant children, given their vulnerability, particularly unaccompanied migrant children, ensuring that the best interests of the child are a primary consideration in their policies of integration, return and family reunification;

(g) Encourages all States to prevent and eliminate discriminatory policies and legislation, at all levels of government, that deny migrant children access to education;

(h) Encourages States, while taking into account the best interests of the child as a primary consideration, to foster the successful integration of migrant children into the education system and the removal of barriers to their education in host countries and countries of origin;

(i) Urges States to ensure that repatriation mechanisms allow for the identification and special protection of persons in vulnerable situations, including persons with disabilities, and take into account, in conformity with their international obligations and commitments, the principle of the best interests of the child and family reunification;

(j) Urges States parties to the United Nations Convention against Transnational Organized Crime[18] and supplementing protocols thereto, namely, the Protocol against the Smuggling of Migrants by Land, Sea and Air[19] and the Protocol

[18] United Nations, *Treaty Series*, vol. 2225, No. 39574.

[19] Ibid., vol. 2241, No. 39574.

to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children,[20] to implement them fully, and calls upon States that have not done so to consider ratifying or acceding to them as a matter of priority;

6. *Takes note with appreciation* of the study of the Office of the United Nations High Commissioner for Human Rights on challenges and best practices in the implementation of the international framework for the protection of the rights of the child in the context of migration,[21] and invites States to take into account the conclusions and recommendations of the study when designing and implementing their migration policies;

7. *Encourages* States to protect victims of national and transnational organized crime, including kidnapping, trafficking and, in some instances, smuggling, through, where applicable, the implementation of programmes and policies that guarantee protection and access to medical, psychosocial and legal assistance;

8. *Encourages* Member States that have not already done so to enact domestic legislation and to take further effective measures to combat international trafficking in persons and smuggling of migrants, recognizing that these crimes may endanger the lives of migrants or subject them to harm, servitude or exploitation, which may also include debt bondage, slavery, sexual exploitation or forced labour, and also encourages Member States to strengthen international cooperation to combat such trafficking and smuggling;

9. *Stresses* the importance of international, regional and bilateral cooperation in the protection of the human rights of migrants, and therefore:

(a) Requests all States, international organizations and relevant stakeholders to take into account in their policies and initiatives on migration issues the global character of the migratory phenomenon and to give due consideration to international, regional and bilateral cooperation in this field, including by undertaking dialogues on migration that include countries of origin, transit and destination, as well as civil society, including migrants, with a view to addressing, in a comprehensive manner, inter alia, its causes and consequences and the challenge of undocumented or irregular migration, granting priority to the protection of the human rights of migrants;

(b) Encourages States to take the measures necessary to achieve policy coherence on migration at the national, regional and international levels, including by ensuring coordinated child protection policies and systems across borders that are in full compliance with international human rights law;

(c) Also encourages States to further strengthen their cooperation in protecting witnesses in cases of smuggling of migrants and trafficking in persons;

(d) Calls upon the United Nations system and other relevant international organizations and multilateral institutions to enhance their cooperation in the development of methodologies for the collection and processing of statistical data on international migration and the situation of migrants in countries of origin, transit

[20] Ibid., vol. 2237, No. 39574.

[21] A/HRC/15/29.

and destination and to assist Member States in their capacity-building efforts in this regard;

10. *Underlines* the need to ensure that the development agenda, including the post-2015 process, addresses the issue of migration and development in a comprehensive manner, fully integrating a human rights perspective and gender mainstreaming, and therefore:

(a) Requests Member States, the United Nations system, international organizations, civil society and all relevant stakeholders, especially the United Nations High Commissioner for Human Rights and the Special Rapporteur of the Human Rights Council on the human rights of migrants and the Global Migration Group, to ensure that the High-level Dialogue on International Migration and Development, which will take place during the sixty-eighth session of the General Assembly in 2013, analyses the linkage between migration and development in a balanced and comprehensive manner that includes, among others, a human rights perspective;

(b) Recommends that the Chair of the Committee on Migrant Workers and the Special Rapporteur on the human rights of migrants participate in and contribute to the High-level Dialogue on International Migration and Development;

11. *Encourages* States, relevant international organizations and civil society, including non-governmental organizations, to continue and to enhance their dialogue, including through participation in all relevant international meetings, including the High-level Dialogue to be held in 2013, with a view to strengthening public policies aimed at promoting and respecting human rights, including those of migrants;

12. *Invites* the Chair of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families to present an oral report on the work of the Committee and to engage in an interactive dialogue with the General Assembly at its sixty-eighth session, under the item entitled "Promotion and protection of human rights", as a way to enhance communication between the Assembly and the Committee;

13. *Invites* the Special Rapporteur on the human rights of migrants to submit his report to the General Assembly and to engage in an interactive dialogue at its sixty-eighth session, under the item entitled "Promotion and protection of human rights";

14. *Takes note* of the report of the Secretary-General, submitted to the General Assembly at its sixty-seventh session, on the implementation of resolution 66/172 and on how the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families has influenced policy and practice, where applicable, to strengthen the protection of migrants;[22]

15. *Requests* the Secretary-General to submit to the General Assembly at its sixty-eighth session a report on the implementation of the present resolution and to include in that report an analysis of international migration and development from a human rights perspective.

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[22] A/67/299.

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Agenda item 69 (b)
Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Argentina, Chile, Ecuador, Guatemala, Indonesia, Mexico, Turkey and Uruguay: revised draft resolution

Protection of migrants

The General Assembly,

Recalling all its previous resolutions on the protection of migrants, the most recent of which is resolution 66/172 of 19 December 2011, as well as its resolution 66/128 of 19 December 2011, on violence against women migrant workers, and recalling also Human Rights Council resolution 20/3 of 5 July 2012,[1]

Reaffirming the Universal Declaration of Human Rights,[2] which proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin,

Reaffirming also that everyone has the right to freedom of movement and residence within the borders of each State and the right to leave any country, including his or her own, and to return to his or her country,

Recalling the International Covenant on Civil and Political Rights[3] and the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[4] the Convention on the Elimination of All Forms of Discrimination against Women,[5] the Convention on the Rights of the Child,[6] the International Convention on the

[1] *Official Records of the General Assembly, Sixty-seventh Session, Supplement No. 53* and corrigendum (A/67/53 and Corr.1), chap. III.A.
[2] Resolution 217 A (III).
[3] See resolution 2200 A (XXI), annex.
[4] United Nations, *Treaty Series*, vol. 1465, No. 24841.
[5] Ibid., vol. 1249, No. 20378.
[6] Ibid., vol. 1577, No. 27531.

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Elimination of All Forms of Racial Discrimination,[7] the Convention on the Rights of Persons with Disabilities,[8] the Vienna Convention on Consular Relations[9] and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,[10]

Acknowledging the relevant contribution of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families to the international system for the protection of migrants,

Recalling the outcome document of the United Nations Conference on Sustainable Development, entitled "The future we want",[11] which calls upon States to promote and protect effectively the human rights and fundamental freedoms of all migrants regardless of migration status, especially those of women and children, and to address international migration through international, regional or bilateral cooperation and dialogue and a comprehensive and balanced approach, recognizing the roles and responsibilities of countries of origin, transit and destination in promoting and protecting the human rights of all migrants, and avoiding approaches that might aggravate their vulnerability,

Recalling also the provisions concerning migrants contained in the outcome documents of all major United Nations conferences and summits, including the Outcome of the Conference on the World Financial and Economic Crisis and Its Impact on Development,[12] which recognizes that migrant workers are among the most affected and vulnerable in the context of financial and economic crises,

Recalling further Commission on Population and Development resolutions 2006/2 of 10 May 2006[13] and 2009/1 of 3 April 2009,[14]

Recalling that the Commission on Population and Development will consider the issue of new trends in migration: demographic aspects at its forty-sixth session in 2013,

Taking note of advisory opinion OC-16/99 of 1 October 1999 on the Right to Information on Consular Assistance in the Framework of the Guarantees of the Due Process of Law and advisory opinion OC-18/03 of 17 September 2003 on the Juridical Condition and Rights of Undocumented Migrants, issued by the Inter-American Court of Human Rights,

Taking note also of the Judgment of the International Court of Justice of 31 March 2004 in the case concerning *Avena and Other Mexican Nationals*[15] and the Judgment of the Court of 19 January 2009 regarding the request for

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[7] Ibid., vol. 660, No. 9464.

[8] Ibid., vol. 2515, No. 44910.

[9] Ibid., vol. 596, No. 8638.

[10] Ibid., vol. 2220, No. 39481.

[11] Resolution 66/288, annex.

[12] Resolution 63/303, annex.

[13] See *Official Records of the Economic and Social Council, 2006, Supplement No. 5* (E/2006/25), chap. I, sect. B.

[14] Ibid., *2009, Supplement No. 5* (E/2009/25), chap. I, sect. B.

[15] See *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 4* (A/59/4), chap. V, sect. A.23; see also *Avena and Other Mexican Nationals* (*Mexico v. United States of America*), *Judgment, I.C.J. Reports 2004*, p. 12.

interpretation of the *Avena* Judgment,[10] and recalling the obligations of States reaffirmed in both decisions,

Underlining the importance of the Human Rights Council in promoting respect for the protection of the human rights and fundamental freedoms of all, including migrants,

Recognizing the increasing participation of women in international migration movements,

Looking forward to the convening of the High-level Dialogue on International Migration and Development in 2013, and recalling the previous High-level Dialogue on the subject, held in New York on 14 and 15 September 2006, for the purpose of discussing the multidimensional aspects of international migration and development, at which, inter alia, the relationship between international migration, development and human rights was recognized,

Noting that the sixth meeting of the Global Forum on Migration and Development, to be held in Mauritius on 21 and 22 November 2012, will draw together the outcomes of several preparatory meetings, focusing on the overarching theme "Enhancing the development of migrants and their contribution to the development of their communities and States" as a contribution to promoting international cooperation among States and between States and other actors in order to strengthen the capacity of States to address migration and development opportunities and challenges more effectively,

Recognizing the cultural and economic contributions made by migrants to receiving societies and their communities of origin, as well as the need to identify appropriate means of maximizing development benefits and responding to the challenges that migration poses to countries of origin, transit and destination, especially in the light of the impact of the financial and economic crisis, and committing to ensuring dignified, humane treatment with applicable protections and to strengthening mechanisms for international cooperation,

Emphasizing the global character of the migratory phenomenon, the importance of international, regional and bilateral cooperation and dialogue in this regard, as appropriate, and the need to protect the human rights of migrants, particularly at a time in which migration flows have increased in the globalized economy and take place in a context of new security concerns,

Recognizing that women migrant workers are important contributors to social and economic development through the economic and social impacts of their work on countries of origin and destination, and underlining the value and dignity of their labour, including the labour of domestic workers,

Bearing in mind the obligations of States under international law, as applicable, to exercise due diligence to prevent crimes against migrants and to investigate and punish perpetrators, and that not doing so violates and impairs or nullifies the enjoyment of the human rights and fundamental freedoms of victims,

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[10] See *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 4* (A/64/4), chap. V, sect. B.12; see also *Request for Interpretation of the Judgment of 31 March 2004 in the Case concerning* Avena and Other Mexican Nationals (Mexico v. United States of America) (*Mexico v. United States of America*), *Judgment, I.C.J. Reports 2009*, p. 3.

Affirming that crimes against migrants, including trafficking in persons, continue to pose a serious challenge and require a concerted international assessment and response and genuine multilateral cooperation among countries of origin, transit and destination for their eradication,

Bearing in mind that policies and initiatives on the issue of migration, including those that refer to the orderly management of migration, should promote holistic approaches that take into account the causes and consequences of the phenomenon, as well as full respect for the human rights and fundamental freedoms of migrants,

Stressing the importance of regulations and laws regarding irregular migration, at all levels of government, being in accordance with the obligations of States under international law, including international human rights law,

Stressing also the obligation of States to protect the human rights of migrants regardless of their migration status, and expressing its concern at measures which, including in the context of policies aimed at reducing irregular migration, treat irregular migration as a criminal rather than an administrative offence where the effect of doing so is to deny migrants full enjoyment of their human rights and fundamental freedoms,

Aware that, as criminals take advantage of migratory flows and attempt to circumvent restrictive immigration policies, migrants become more vulnerable to, inter alia, kidnapping, extortion, forced labour, sexual exploitation, physical assault, debt servitude and abandonment,

Recognizing the contributions of young migrants to countries of origin and destination, and in that regard encouraging States to consider the specific circumstances and needs of young migrants,

Concerned about the large and growing number of migrants, especially women and children, who place themselves in a vulnerable situation by attempting to cross international borders without the required travel documents, and recognizing the obligation of States to respect the human rights of those migrants,

Stressing that penalties and the treatment given to irregular migrants should be commensurate with their infraction,

Recognizing the importance of having a comprehensive and balanced approach to international migration, and bearing in mind that migration enriches the economic, political, social and cultural fabric of States and the historical and cultural ties that exist among some regions,

Recognizing also the obligations of countries of origin, transit and destination under international human rights law,

Underlining the importance for States, in cooperation with non-governmental organizations and other relevant stakeholders, to undertake information campaigns aimed at clarifying opportunities, limitations, risks and rights in the event of migration, in order to enable everyone to make informed decisions and to prevent anyone from utilizing dangerous means to cross international borders,

1. *Calls upon* States to effectively promote and protect the human rights and fundamental freedoms of all migrants, regardless of their migration status, especially those of women and children, and to address international migration

through international, regional or bilateral cooperation and dialogue and through a comprehensive and balanced approach, recognizing the roles and responsibilities of countries of origin, transit and destination in promoting and protecting the human rights of all migrants, and avoiding approaches that might aggravate their vulnerability;

2. *Expresses its concern* about the impact of financial and economic crises on international migration and migrants, and in that regard urges Governments to combat unfair and discriminatory treatment of migrants, in particular migrant workers and their families;

3. *Reaffirms* the rights set forth in the Universal Declaration of Human Rights[2] and the obligations of States under the International Covenants on Human Rights,[3] and in this regard:

(a) Strongly condemns the acts, manifestations and expressions of racism, racial discrimination, xenophobia and related intolerance against migrants and the stereotypes often applied to them, including on the basis of religion or belief, and urges States to apply and, where needed, reinforce the existing laws when xenophobic or intolerant acts, manifestations or expressions against migrants occur, in order to eradicate impunity for those who commit those acts;

(b) Expresses concern about legislation adopted by some States that results in measures and practices that may restrict the human rights and fundamental freedoms of migrants, and reaffirms that, when exercising their sovereign right to enact and implement migratory and border security measures, States have the duty to comply with their obligations under international law, including international human rights law, in order to ensure full respect for the human rights of migrants;

(c) Calls upon States to ensure that their laws and policies, including in the areas of counter-terrorism and combating transnational organized crime, such as trafficking in persons and smuggling of migrants, fully respect the human rights of migrants;

(d) Calls upon States that have not done so to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families[10] as a matter of priority, and requests the Secretary-General to continue his efforts to promote and raise awareness of the Convention;

(e) Takes note of the report of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families on its fifteenth and sixteenth sessions;[17]

4. *Also reaffirms* the duty of States to effectively promote and protect the human rights and fundamental freedoms of all migrants, especially those of women and children, regardless of their immigration status, in conformity with the Universal Declaration of Human Rights and the international instruments to which they are party, and therefore:

(a) Calls upon all States to respect the human rights and the inherent dignity of migrants and to put an end to arbitrary arrest and detention and, where necessary,

[17] *Official Records of the General Assembly, Sixty-seventh Session, Supplement No. 48* and corrigendum (A/67/48 and Corr.1).

to review detention periods in order to avoid excessive detention of irregular migrants, and to adopt, where applicable, alternative measures to detention;

(b) Urges all States to adopt effective measures to prevent and punish any form of illegal deprivation of liberty of migrants by individuals or groups;

(c) Notes with appreciation the measures adopted by some States to reduce detention periods in cases of undocumented migration in the application of domestic regulations and laws regarding irregular migration;

(d) Also notes with appreciation the successful implementation by some States of alternative measures to detention in cases of undocumented migration as a practice that deserves consideration by all States;

(e) Requests States to adopt concrete measures to prevent the violation of the human rights of migrants while in transit, including in ports and airports and at borders and migration checkpoints, to train public officials who work in those facilities and in border areas to treat migrants respectfully and in accordance with the law, and to prosecute, in conformity with applicable law, any act of violation of the human rights of migrants, inter alia, arbitrary detention, torture and violations of the right to life, including extrajudicial executions, during their transit from their country of origin to the country of destination and vice versa, including their transit through national borders;

(f) Underlines the right of migrants to return to their country of citizenship, and recalls that States must ensure that their returning nationals are duly received;

(g) Reaffirms emphatically the duty of States parties to ensure full respect for and observance of the Vienna Convention on Consular Relations,[9] in particular with regard to the right of all foreign nationals, regardless of their immigration status, to communicate with a consular official of the sending State in case of arrest, imprisonment, custody or detention, and the obligation of the receiving State to inform the foreign national without delay of his or her rights under the Convention;

(h) Requests all States, in conformity with national legislation and applicable international legal instruments to which they are party, to enforce labour law effectively, including by addressing violations of such law, with regard to migrant workers' labour relations and working conditions, inter alia, those related to their remuneration and conditions of health, safety at work and the right to freedom of association;

(i) Encourages all States to remove unlawful obstacles, where they exist, that may prevent the safe, transparent, unrestricted and expeditious transfer of remittances, earnings, assets and pensions of migrants to their country of origin or to any other countries, in conformity with applicable legislation and agreements, and to consider, as appropriate, measures to solve other problems that may impede such transfers;

(j) Recalls that the Universal Declaration of Human Rights recognizes that everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted to him or her;

5. *Emphasizes* the importance of protecting persons in vulnerable situations, and in this regard:

(a) Expresses its concern about the increase in the activities of transnational and national organized crime entities and others who profit from crimes against migrants, especially women and children, without regard for dangerous and inhumane conditions and in flagrant violation of domestic laws and international law and contrary to international standards;

(b) Also expresses its concern about the high level of impunity enjoyed by traffickers and their accomplices as well as other members of organized crime entities and, in this context, the denial of rights and justice to migrants who have suffered from abuse;

(c) Welcomes immigration programmes, adopted by some countries, that allow migrants to integrate fully into the host countries, facilitate family reunification and promote a harmonious, tolerant and respectful environment, and encourages States to consider the possibility of adopting these types of programmes;

(d) Calls upon States that have not already done so to implement gender-sensitive policies and programmes for women migrant workers, to provide for the protection of their human rights, to promote fair labour conditions and to ensure that all women, including care workers, are legally protected against violence and exploitation;

(e) Encourages States to provide safe and legal channels that recognize the skills and education of women migrant workers and to facilitate their productive employment, decent work and integration into the labour force, including in the fields of education and science and technology;

(f) Encourages all States to develop international migration policies and programmes that include a gender perspective, in order to adopt the measures necessary to better protect women and girls against dangers and abuse during migration;

(g) Calls upon States to protect the human rights of migrant children, given their vulnerability, particularly unaccompanied migrant children, ensuring that the best interests of the child are a primary consideration in their policies of integration, return and family reunification;

(h) Encourages all States to prevent and eliminate discriminatory policies and legislation, at all levels of government, that deny migrant children access to education;

(i) Encourages States, while taking into account the best interests of the child as a primary consideration, to foster the successful integration of migrant children into the education system and the removal of barriers to their education in host countries and countries of origin;

(j) Urges States to ensure that repatriation mechanisms allow for the identification and special protection of persons in vulnerable situations, including persons with disabilities, and take into account, in conformity with their international obligations and commitments, the principle of the best interests of the child and family reunification;

(k) Urges States parties to the United Nations Convention against Transnational Organized Crime[18] and supplementing protocols thereto, namely, the Protocol against the Smuggling of Migrants by Land, Sea and Air[19] and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children,[20] to implement them fully, and calls upon States that have not done so to consider ratifying or acceding to them as a matter of priority;

6. *Takes note with appreciation* of the study of the Office of the United Nations High Commissioner for Human Rights on challenges and best practices in the implementation of the international framework for the protection of the rights of the child in the context of migration,[21] and invites States to take into account the conclusions and recommendations of the study when designing and implementing their migration policies;

7. *Encourages* States to protect victims of national and transnational organized crime, including kidnapping, trafficking and, in some instances, smuggling, through, where applicable, the implementation of programmes and policies that guarantee protection and access to medical, psychosocial and legal assistance;

8. *Encourages* Member States that have not already done so to enact domestic legislation and to take further effective measures to combat trafficking in persons and smuggling of migrants, recognizing that these crimes may endanger the lives of migrants or subject them to harm, servitude or exploitation, which may also include debt bondage, slavery, sexual exploitation or forced labour, and also encourages Member States to strengthen international cooperation to combat such trafficking and smuggling;

9. *Stresses* the importance of international, regional and bilateral cooperation in the protection of the human rights of migrants, and therefore:

(a) Requests all States, international organizations and relevant stakeholders to take into account in their policies and initiatives on migration issues the global character of the migratory phenomenon and to give due consideration to international, regional and bilateral cooperation in this field, including by undertaking dialogues on migration that include countries of origin, transit and destination, as well as civil society, including migrants, with a view to addressing, in a comprehensive manner, inter alia, its causes and consequences and the challenge of undocumented or irregular migration, granting priority to the protection of the human rights of migrants;

(b) Encourages States to take the measures necessary to achieve policy coherence on migration at the national, regional and international levels, including by ensuring coordinated child protection policies and systems across borders that are in full compliance with international human rights law;

(c) Also encourages States to further strengthen their cooperation in protecting witnesses in cases of smuggling of migrants and trafficking in persons;

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[18] United Nations, *Treaty Series*, vol. 2225, No. 39574.

[19] Ibid., vol. 2241, No. 39574.

[20] Ibid., vol. 2237, No. 39574.

[21] A/HRC/15/29.

(d) Calls upon the United Nations system and other relevant international organizations and multilateral institutions to enhance their cooperation in the development of methodologies for the collection and processing of statistical data on international migration and the situation of migrants in countries of origin, transit and destination and to assist Member States in their capacity-building efforts in this regard;

10. *Encourages* giving appropriate consideration to the issue of migration and development, in the preparation of the development agenda beyond 2015, through, inter alia, integrating a human rights perspective and mainstreaming a gender perspective;

(a) Requests Member States, the United Nations system, international organizations, civil society and all relevant stakeholders, especially the United Nations High Commissioner for Human Rights and the Special Rapporteur of the Human Rights Council on the human rights of migrants and the Global Migration Group, to ensure that the High-level Dialogue on International Migration and Development, which will take place during the sixty-eighth session of the General Assembly in 2013, analyses the linkage between migration and development in a balanced and comprehensive manner that includes, among others, a human rights perspective;

(b) Recognizes the importance of the contribution of the Chair of the Committee on Migrant Workers and the Special Rapporteur on the human rights of migrants, as well as key development actors, to the High-level Dialogue on International Migration and Development;

11. *Encourages* States, relevant international organizations, civil society, including non-governmental organizations, and the private sector to continue and to enhance their dialogue, including through participation in all relevant international meetings, including the High-level Dialogue to be held in 2013, with a view to strengthening public policies aimed at promoting and respecting human rights, including those of migrants;

12. *Invites* the Chair of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families to present an oral report on the work of the Committee and to engage in an interactive dialogue with the General Assembly at its sixty-eighth session, under the item entitled "Promotion and protection of human rights", as a way to enhance communication between the Assembly and the Committee;

13. *Invites* the Special Rapporteur on the human rights of migrants to submit his report to the General Assembly and to engage in an interactive dialogue at its sixty-eighth session, under the item entitled "Promotion and protection of human rights";

14. *Takes note* of the report of the Secretary-General, submitted to the General Assembly at its sixty-seventh session, on the implementation of resolution 66/172 and on how the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families has influenced policy and practice, where applicable, to strengthen the protection of migrants;[22]

[22] A/67/299.

15. *Requests* the Secretary-General to submit to the General Assembly at its sixty-eighth session a report on the implementation of the present resolution and to include in that report an analysis of how a human rights perspective can enhance the design and implementation of international migration and development policies.

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Third Committee
Agenda item 69 (b)
Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Belarus, Bolivia (Plurinational State of), Cuba, Ecuador, Nicaragua, Russian Federation and Venezuela (Bolivarian Republic of): draft resolution

Promotion of peace as a vital requirement for the full enjoyment of all human rights by all

The General Assembly,

Recalling its resolution 65/222 of 21 December 2010, and Human Rights Council resolution 20/15 of 5 July 2012, entitled "Promotion of the right to peace",[1]

Recalling also its resolution 39/11 of 12 November 1984, entitled "Declaration on the Right of Peoples to Peace", and the United Nations Millennium Declaration,[2]

Determined to foster strict respect for the purposes and principles enshrined in the Charter of the United Nations,

Bearing in mind that one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion,

Underlining, in accordance with the purposes and principles of the United Nations, its full and active support for the United Nations and for the enhancement of its role and effectiveness in strengthening international peace and security and justice and in promoting the solution of international problems, as well as the development of friendly relations and cooperation among States,

Reaffirming the obligation of all States to settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered,

[1] See *Official Records of the General Assembly, Sixty-seventh Session, Supplement No. 53* and corrigendum (A/67/53 and Corr.1), chap. III, sect. A.

[2] Resolution 55/2.

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Emphasizing its objective of promoting better relations among all States and contributing to setting up conditions in which their people can live in true and lasting peace, free from any threat to or attempt against their security,

Reaffirming the obligation of all States to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State or in any other manner inconsistent with the purposes of the United Nations,

Reaffirming its commitment to peace and security and justice and the continuing development of friendly relations and cooperation among States,

Rejecting the use of violence in pursuit of political aims, and stressing that only peaceful political solutions can ensure a stable and democratic future for all people around the world,

Reaffirming the importance of ensuring respect for the principles of the sovereignty, territorial integrity and political independence of States and non-intervention in matters that are essentially within the domestic jurisdiction of any State, in accordance with the Charter and international law,

Reaffirming also that all peoples have the right to self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development,

Reaffirming further the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,[3]

Recognizing that peace and development are mutually reinforcing, including in the prevention of armed conflict,

Affirming that human rights include social, economic and cultural rights and the right to peace, a healthy environment and development, and that development is in fact the realization of those rights,

Underlining the fact that the subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental rights, is contrary to the Charter and is an impediment to the promotion of world peace and cooperation,

Recalling that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights[4] can be fully realized,

Convinced of the aim of creating conditions of stability and well-being, which are necessary for peaceful and friendly relations among nations based on respect for the principles of equal rights and self-determination of peoples,

Convinced also that life without war is the primary international prerequisite for the material well-being, development and progress of countries and for the full implementation of the rights and fundamental human freedoms proclaimed by the United Nations,

Convinced further that international cooperation in the field of human rights contributes to creating an international environment of peace and stability,

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[3] Resolution 2625 (XXV), annex.

[4] Resolution 217 A (III).

1. *Reaffirms* that the peoples of our planet have a sacred right to peace;

2. *Also reaffirms* that the preservation of the right of peoples to peace and the promotion of its implementation constitute a fundamental obligation of all States;

3. *Stresses* that peace is a vital requirement for the promotion and protection of all human rights for all;

4. *Also stresses* that the deep fault line that divides human society between the rich and the poor and the ever-increasing gap between the developed and developing worlds pose a major threat to global prosperity, peace and security and stability;

5. *Emphasizes* that the preservation and promotion of peace demands that the policies of States be directed towards the elimination of the threat of war, particularly nuclear war, the renunciation of the use or threat of use of force in international relations and the settlement of international disputes by peaceful means on the basis of the Charter of the United Nations;

6. *Affirms* that all States should promote the establishment, maintenance and strengthening of international peace and security and an international system based on respect for the principles enshrined in the Charter and the promotion of all human rights and fundamental freedoms, including the right to development and the right of peoples to self-determination;

7. *Urges* all States to respect and to put into practice the purposes and principles of the Charter in their relations with other States, irrespective of their political, economic or social system and of their size, geographical location or level of economic development;

8. *Reaffirms* the duty of all States, in accordance with the principles of the Charter, to use peaceful means to settle any dispute to which they are parties and the continuance of which is likely to endanger the maintenance of international peace and security, as a vital requirement for the promotion and protection of all human rights of everyone and all peoples;

9. *Welcomes* the decision of the Human Rights Council, in its resolution 20/15,[1] to establish an open-ended intergovernmental working group with the mandate of progressively negotiating a draft United Nations declaration on the right to peace;

10. *Underlines* the vital importance of education for peace as a tool to foster the realization of the right of peoples to peace, and encourages States, the specialized agencies of the United Nations and intergovernmental and non-governmental organizations to contribute actively to this endeavour;

11. *Invites* States and relevant United Nations human rights mechanisms and procedures to continue to pay attention to the importance of mutual cooperation, understanding and dialogue in ensuring the promotion and protection of all human rights;

12. *Decides* to continue consideration of the question of the promotion of the right of peoples to peace at its sixty-ninth session under the item entitled "Promotion and protection of human rights".